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| <b>(54) Title:</b> MODIFIED PHOSPHOENOLPYRUVATE CARBOXYLASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES<br><b>(54) Titre:</b> PHOSPHOENOLPYRUVATE CARBOXYLASE MODIFIEE PERMETTANT D'AMELIORER ET D'OPTIMISER DES PHENOTYPES VEGETAUX  |           |  |
| <b>(57) Abstract</b><br><p>The invention provides methods and compositions relating to sequence-shuffled variants of PEP carboxylase in plants and microorganisms.</p> <b>(57) Abrégé</b><br><p>Cette invention a trait à des méthodes et aux compositions correspondantes en rapport avec des variants à séquence remaniée de phosphoenolpyruvate (PEP) carboxylase dans des végétaux et des micro-organismes.</p>  |           |  |

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| (21) International Application Number: PCT/US99/26771<br>(22) International Filing Date: 9 November 1999 (09.11.99)<br>(30) Priority Data: 60/107,757 10 November 1998 (10.11.98) US<br>(71) Applicant (for all designated States except US): MAXYGEN, INC. [US/US]; 515 Galveston Drive, Redwood City, CA 94063 (US).<br>(72) Inventors; and<br>(75) Inventors/Applicants (for US only): STEMMER, Willem, P., C. [NL/US]; 108 Kathy Court, Los Gatos, CA 95032 (US). SUBRAMANIAN, Venkiteswaran [US/US]; 3980 Corte Mar De Hierba, San Diego, CA 92130 (US).<br>(74) Agents: QUINE, Jonathan, Alan; The Law Offices of Jonathan Alan Quine, P.O. Box 458, Alameda, CA 94501 (US) et al. |  | (81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). |   |
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| (54) Title: MODIFIED PHOSPHOENOLPYRUVATE CARBOXYLASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES  |  |  |   |
| (57) Abstract<br><br>The invention provides methods and compositions relating to sequence-shuffled variants of PEP carboxylase in plants and microorganisms.   |  |  |   |

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**Description**

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Modified Phosphoenolpyruvate Carboxylase  
for Improvement and Optimization of Plant Phenotypes

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CROSS REFERENCE TO RELATED APPLICATIONS

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This application is a non-provisional of and claims priority to  
"MODIFIED PHOSPHOENOLPYRUVATE CARBOXYLASE FOR  
IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES" USSN  
60/107,757 by Willem P.C. Stemmer and Venkiteswaran Subramanian, filed  
November 10, 1998.

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FIELD OF THE INVENTION

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The invention relates to methods and compositions for generating,  
modifying, adapting, and optimizing polynucleotide sequences that encode proteins  
having PEPC enzyme activities which are useful for introduction into plant species,  
and other hosts, and related aspects.

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BACKGROUND

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Genetic Engineering of Plants

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Genetic engineering of agricultural organisms dates back thousands of  
years to the dawn of agriculture. The hand of man has selected the agricultural  
organisms having the phenotypic traits that were deemed desirable, which desired  
phenotypic traits have often been taste, high yield, caloric value, ease of propagation,  
resistance to pests and disease, and appearance. Classical breeding methods to select  
for germplasm encoding desirable agricultural traits had been a standard practice of  
the world's farmers long before Gregor Mendel and others identified the basic rules of  
segregation and selection. For the most part, the fundamental process underlying the  
generation and selection of desired traits was the natural mutation frequency and  
recombination rates of the organisms, which are quite slow compared to the human  
lifespan and make it difficult to use conventional methods of breeding to rapidly  
obtain or optimize desired traits in an organism.

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The very recent advent of non-classical, or recombinant genetic  
engineering techniques has provided a new means to expedite the generation of

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5 agricultural organisms having desired traits that provide an economic, ecological,  
nutritional, or aesthetic benefit. To date, most recombinant approaches have involved  
10 transferring a novel or modified gene into the germline of an organism to effect its  
expression or to inhibit the expression of the endogenous homologue gene in the  
5 organism's native genome. However, the currently used recombinant techniques are  
generally unsuited for substantially increasing the rate at which a novel or improved  
15 phenotypic trait can be evolved. Essentially all recombinant genes in use today for  
agriculture are obtained from the germplasm of existing plant and microbial  
specimens, which have naturally evolved coordinately with constraints related to  
10 other aspects of the organism's evolution and typically are not optimized for the  
desired phenotype(s). The sequence diversity available is limited by the natural  
20 genetic variability within the existing specimen gene pool, although crude mutagenic  
approaches have been used to add to the natural variability in the gene pool.

25 Unfortunately, the induction of mutations to generate diversity often  
15 requires chemical mutagenesis, radiation mutagenesis, tissue culture techniques, or  
mutagenic genetic stocks. These methods provide means for increasing genetic  
variability in the desired genes, but frequently produce deleterious mutations in many  
30 other genes. These other traits may be removed, in some instances, by further genetic  
manipulation (e.g., backcrossing), but such work is generally both expensive and time  
20 consuming. For example, in the flower business, the properties of stem strength and  
length, disease resistance and maintaining quality are important, but often initially  
35 compromised in the mutagenesis process.

#### Phosphoenolpyruvate Carboxylase

40 25 Phosphoenolpyruvate (PEP) carboxylase (PEPC; EC 4.1.1.31) is a key  
enzyme of photosynthesis in those plant species exhibiting the C4 or CAM pathway  
for CO<sub>2</sub> fixation. The principal substrate of PEPC is the free form of PEP. PEPC  
catalyzes the conversion of PEP and bicarbonate to oxalacetic acid inorganic  
45 phosphate (Pi). This reaction is the first step of a metabolic route known as the C4  
dicarboxylic acid pathway, which minimizes losses of energy produced by  
30 photorespiration. PEPC is present in plants, algae, cyanobacteria, and bacteria; the  
enzymatic properties differ based on the source.

5 The primary structures of PEPC from *E. coli*, *Anabaena variabilis*, and  
maize, among others, have been deduced from cDNA sequences and are available in  
the literature and GenBank. The homology found in the C-terminal half of the protein  
10 are consistent with the C-terminal half containing a catalytic domain, and the  
sequence between residues 603 to 616 of the *Zea mays* PEPC enzyme (-  
5 FHGRGGSIGRGGAP-) are highly conserved among taxonomic species and seem to  
be unique to PEPC. PEPC is a homomultimer, typically a homotetramer or  
15 homodimer, and is extrachloroplastic and located in the cytosol of the mesophyll  
leaves of C4 and CAM plants. Besides the C4-specific PEPC, other isozyme forms of  
the enzyme occur in C3 plants or etiolated C4 leaves.  
20

PEPC from C4 plants is activated by glucose 6-phosphate (G6P),  
which induces an increase in Vmax and in substrate affinity for binding PEP. A  
metabolite, L-malate, which is an intermediate product of the carboxylation reaction,  
25 is an inhibitor of PEPC activity. It shows a cooperative effect and seems to interact  
with PEPC at different sites, producing noncompetitive or competitive inhibition  
depending on pH and concentration. G6P produces a decrease in the inhibitory effect  
of malate. In addition, oxaloacetate, aspartate, and certain flavonoids have been  
30 shown to inhibit PEPC (Pairoba et al. (1996) Biosci. Biotech. Biochem. 60: 779;  
O'Leary M (1982) Ann. Rev. Plant Physiol. 33:297). Variation in pH also controls  
PEPC activity: the affinity for the PEPC cofactor  $Mg^{+2}$  increases sharply between pH  
20 7 and pH8, and the effects of the activator G6P and the inhibitor malate are more  
pronounced at pH 7, decreasing with increasing pH. Feedback inhibition of PEPC  
occurs by two distinct yet coupled mechanisms: inhibition by malate itself and  
enhancement of its inhibitory effect by decrease in pH which can be a consequence of  
40 malate production from PEPC activity. Another mechanism of regulating PEPC  
activity is post-translational modification; the interconversion of night (active) and  
day (inactive) forms of PEPC is mediated by phosphorylation of serine and/or  
45 threonine residues of PEPC. A variety of PEPC inhibitors have been catalogued  
(Devi et al. (1992) J. Plant Biochem. Biotech. 1: 73). Illumination induces a light-  
30 activable net serine dephosphorylation such that the day form is substantially inactive.  
As PEPC is a key control point for accomplishing the primary carboxylation of PEP,

5 a major component of CO<sub>2</sub> fixation in C4 and CAM plants, it would be desirable to  
have a method for producing PEPC encoding sequences and novel PEPC proteins  
wherein the enzymatic activity of PEPC has (1) an decreased Km for substrate, (2) a  
10 decreased Km for activator, (3) a constitutive PEPC activity in the absence of  
5 activator which is higher than naturally occurring PEPC in the absence of activator,  
(4) an increased Km for one or more inhibitors, (5) a desensitization to one or more  
15 inhibitors, (6) and/or (6) a higher PEPC activity in the "day form" PEPC during  
illumination than in a naturally-occurring PEPC "day form" under comparable  
illumination, or the like. Plants and other photosynthetic organisms having such  
10 enhanced PEPC encoding polynucleotides proteins would have increased net CO<sub>2</sub>  
20 fixation.

As noted, the advent of recombinant DNA technology has provided  
agriculturists with additional means of modifying plant genomes. While certainly  
25 practical in some areas, to date genetic engineering methods have had limited success  
15 in transferring or modifying important biosynthetic or other pathways in  
photosynthetic organisms and bacteria. The creation of plants and other  
photosynthetic organisms having improved PEPC biosynthetic pathways can provide  
30 increased yields of certain types of starchy foodstuffs, enhanced biomass energy  
sources, and may alter the types and amounts of nutrients present in certain  
20 foodstuffs, among other desirable phenotypes.

Thus, there exists a need for improved methods for producing plants  
35 and agricultural photosynthetic microbes with an improved PEPC enzyme. In  
particular, these methods should provide general means for producing novel PEPC  
enzymes, including increasing the diversity of the PEPC gene pool and the rate at  
40 25 which genetic sequences encoding one or more PEPC having desired properties are  
evolved. It is particularly desirable to have methods which are suitable for rapid  
evolution of genetic sequences to function in one or more plant species and confer an  
improved PEPC phenotype (e.g., reduced sensitivity to inhibitors (e.g., malate, pH,  
45 etc.), reduced dependence on activators (e.g., G6P, serine/threonine), improved  
30 catalytic efficiency via increasing V<sub>max</sub> and/or increasing the apparent affinity of  
substrates for the enzyme, and/or relieving a requirement for allosteric activation



5 (e.g., phosphorylation) or inhibition by allosteric repression, as well as plants which  
express the novel PEPC genetic sequence(s).

10 The present invention meets these and other needs and provides such  
improvements and opportunities.

5 The references discussed herein are provided solely for their disclosure prior  
to the filing date of the present application. Nothing herein is to be construed as an  
admission that the inventors are not entitled to antedate such disclosure by virtue of  
15 prior invention. All publications cited are incorporated herein by reference, whether  
specifically noted as such or not.

20 SUMMARY OF THE INVENTION

20 In a broad general aspect, the present invention provides a method for  
rapid evolution of polynucleotide sequences encoding a PEPC enzyme, that, when  
transferred into an appropriate plant cell, or photosynthetic microbial host and  
expressed therein, confers an enhanced metabolic phenotype to the host to increase  
25 carbon fixation ratio and/or rate, or to increase the accumulation or depletion of  
certain metabolites and energy storage sinks. In general, polynucleotide sequence  
shuffling and phenotype selection, such as detection of a parameter of PEPC enzyme  
activity, is employed recursively to generate polynucleotide sequences which encode  
30 novel proteins having desirable PEPC enzymatic catalytic function(s), regulatory  
function(s), and related enzymatic and physicochemical properties. Although the  
method is believed broadly applicable to evolving biosynthetic enzymes having  
desired properties, the invention is described principally with reference to the  
metabolic enzyme activities of plants and/or photosynthetic microbes and/or bacteria,  
35 defined as PEPC, or an isozyme thereof, including, respectively, plant and algal as  
well as bacterial forms.

40 25 PEPC Embodiment - Lowered  $K_m$  for substrate

The invention provides an isolated polynucleotide encoding an  
enhanced PEPC protein having PEPC catalytic activity wherein the  $K_m$  for a  
45 substrate (PEP, bicarbonate) is significantly lower than in a protein encoded by a  
parental polynucleotide encoding a naturally-occurring PEPC enzyme. Typically, the  
30  $K_m$  for substrate will be at least one-half logarithm unit lower than the parental

5 sequence, preferably the  $K_m$  will be at least one logarithm unit lower, and desirably  
the  $K_m$  will be at least two logarithm units lower, or more. The isolated  
polynucleotide encoding an enhanced PEPC protein and in an expressible form can be  
10 transferred into a host plant, such as a crop species, wherein suitable expression of the  
polynucleotide in the host plant will result in improved carbon fixation biosynthesis  
efficiency as compared to the naturally-occurring host plant species, usually under  
15 certain conditions. The isolated polynucleotide can encode a PEPC, such as a  
bacterial form, or may encode a PEPC enzyme such as that found in green algae, and  
higher plants. The isolated polynucleotide can comprise a substantially full-length or  
20 full-length coding sequence substantially identical to a naturally occurring PEPC gene  
and/or an isozyme thereof, typically comprising a shuffled PEPC gene.

In a variation, the invention provides a polynucleotide comprising: (1)  
a sequence encoding a shuffled PEPC gene operably linked to a transcriptional  
25 regulatory sequence functional in a host cell, and further linked to (2) a selectable  
marker gene which affords a means of selection when expressed in host cells.

In a variation, the invention provides a polynucleotide comprising: (1)  
a sequence encoding a shuffled PEPC gene having at least 95 percent sequence  
30 identity to a PEPC encoding sequence in the genome of a naturally-occurring plant,  
operably linked to a transcriptional regulatory sequence functional in a host cell, and  
20 further linked to (2) a selectable marker gene which affords a means of selection  
when expressed in host cells.

In a variation, the invention provides a polynucleotide comprising: (1)  
a sequence encoding a shuffled PEPC gene operably linked to a transcriptional  
35 regulatory sequence functional in a host cell, (2) a sequence encoding a shuffled  
Rubisco gene operably linked to a transcriptional regulatory sequence functional in  
40 the host cell and, optionally, further linked to (3) a selectable marker gene which  
affords a means of selection when expressed in host cells.

In a variation, the invention provides an isolated polynucleotide  
45 encoding an enhanced PEPC protein having PEPC catalytic activity wherein the  $K_m$   
for a substrate is significantly higher than a protein encoded by a parental  
30 polynucleotide encoding a naturally-occurring PEPC enzyme. In an aspect, the

5 enhanced PEPC protein is often catalytically active in the cytosol of cells of higher  
plants, particularly plants of agronomic importance. In an aspect, the enhanced PEPC  
10 protein is at least 90 percent sequence identical to a naturally occurring PEPC protein  
encoded by a genome of a plant or algae.

5 In a variation, the invention provides an isolated polynucleotide  
encoding an enhanced PEPC protein having PEPC catalytic activity wherein the  $K_m$   
( $K_i$ ) for an inhibitor (e.g., L-malate, aspartate, metabolic effectors), especially at pH  
15 levels below 8.0, is significantly higher than a protein encoded by a parental  
polynucleotide encoding a naturally-occurring PEPC enzyme. In such embodiments,  
20 the concentration of inhibitor required to produce half-maximal inhibition of catalysis  
is typically at least one-half logarithm unit higher than a parental PEPC, often at least  
one log unit or more higher.

In a variation, the invention provides an isolated polynucleotide  
25 encoding an enhanced PEPC protein having PEPC catalytic activity wherein the  $K_m$   
15 for an activator (e.g., glucose 6-phosphate, G6P; triose phosphate) is significantly  
lower than in a protein encoded by a parental polynucleotide encoding a naturally-  
occurring PEPC enzyme. In such embodiments, the concentration of activator  
30 required to produce half-maximal activation of catalysis is typically at least one-half  
logarithm unit lower than a parental PEPC, often at least one log unit or more lower,  
20 in some embodiments at least two log units or more lower. In a variation, the shuffled  
PEPC protein possesses, in the substantial absence of activator, PEPC catalytic  
35 activity approximately equivalent to or greater than that of a naturally-occurring  
PEPC protein which is maximally stimulated with activator.

The invention provides an enhanced PEPC protein  
40 25 having PEPC catalytic activity wherein: (1) the  $K_m$  for substrate is significantly  
lower than in a protein encoded by a parental polynucleotide encoding a naturally-  
occurring PEPC enzyme, and (2) the  $K_m$  for inhibitor is significantly higher than a  
45 protein encoded by a parental polynucleotide encoding a naturally-occurring PEPC  
enzyme, and/or (3) the  $K_m$  for activator is significantly lower than in a protein  
30 encoded by a parental polynucleotide encoding a naturally-occurring PEPC enzyme,  
and/or (4) the enhanced PEPC protein possesses a catalytic activity in the substantial

5 absence of activator and inhibitor which is at least 25 percent or more greater than a  
naturally-occurring PEPC that is maximally stimulated with activator in the  
10 substantial absence of inhibitor and/or (5) the PEPC activity is desensitized to pH-  
mediated changes in allosteric control by inhibitors and/or activators; often the  
5 naturally-occurring PEPC used for comparison is an PEPC species which has a  
polypeptide that has the greatest percentage sequence identity to the shuffled PEPC  
15 polypeptide.

In an aspect, the invention provides a polynucleotide sequence  
encoding a shuffled plant or algal PEPC, wherein the shuffled PEPC protein  
10 possesses a detectable enzymatic activity wherein: (1) the  $K_m$  for substrate is  
significantly lower than in a protein encoded by a parental polynucleotide encoding a  
20 naturally-occurring PEPC enzyme, (2) the  $K_m$  for a PEPC inhibitor is significantly  
higher than a PEPC protein encoded by a parental polynucleotide encoding a  
25 naturally-occurring PEPC enzyme, and/or (3) the  $K_m$  for an PEPC activator is  
15 significantly lower than a protein encoded by a parental polynucleotide encoding a  
naturally-occurring PEPC enzyme, and/or (4) the  $V_{max}$  for PEPC catalytic activity is  
substantially higher than the  $V_{max}$  for PEPC catalytic activity of naturally-occurring  
30 PEPC under equivalent assay conditions (e.g., same concentration(s) of substrates,  
activators, and inhibitors, and pH) under at least one assay condition. In some  
20 embodiments, the shuffled PEPC sequences encode proteins that have an altered  
binding to, or allosteric interaction with, a protein kinase or protein phosphatase, such  
35 that the binding constant for an inhibitor or activator on the PEPC protein may be  
substantially unchanged, however the shuffled PEPC, when modified by the protein  
kinase or phosphorylase, results in formation of a PEPC which has: (1) reduced  
40 25 sensitivity to inhibitors (e.g., malate) and/or (2) enhanced sensitivity to activators  
(e.g., G6P) or (3) has PEPC activity which is insensitive to activator and possesses at  
least one PEPC catalytic activity (e.g., substrate  $K_m^{-1}$  or  $V_{max}$ ) which is at least 25  
45 percent greater than that of a naturally-occurring PEPC that is maximally stimulated  
with activator in the substantial absence of inhibitor; often the naturally-occurring  
30 PEPC used for comparison is a PEPC species which has a polypeptide that has the  
greatest percentage sequence identity, among the collection of then known PEPC  
50

5 sequences, to the shuffled PEPC polypeptide. In some embodiments, the binding  
constant for an inhibitor, activator, and/or substrate will be at least one-half log unit  
10 higher or lower than an equivalent naturally occurring PEPC of greatest sequence  
homology (percent sequence identity) to the shufflant.

5 In an aspect, the invention provides an improved PEPC, or shufflant  
thereof, and a polynucleotide encoding same. In some embodiments, the  
15 polynucleotide will be operably linked to a transcription regulation sequence forming  
an expression construct, which may be linked to a selectable marker gene. In some  
20 embodiments, such a PEPC polynucleotide is present as an integrated transgene in a  
plant chromosome in a format for expression and processing of the enzyme. It can be  
desirable for such a polynucleotide transgene to be transmissible via germline  
transmission in a plant; in the case of PEPC gene sequences transferred to plant or  
25 algal cells, it is often accompanied by a selectable marker gene which affords a means  
to select for progeny which retain the transferred shuffled PEPC gene sequence. In  
15 some embodiments, the transferred shuffled PEPC gene sequence is derived by  
shuffling a pool of parental sequences, at least one of which encodes a bacterial  
PEPC. Often, the transcription control sequences comprise tissue-specific or  
30 conditional promoters to overcome possible detrimental effects of constitutive  
expression.

20 In an aspect, the invention provides an improved PEPC, or shufflant  
thereof, wherein the improved PEPC has at least 80 sequence identity to the  
35 polypeptide sequence of a naturally-occurring plant PEPC, and which has an  
enhanced PEPC enzymatic phenotype; and a polynucleotide encoding same. In some  
embodiments, the polynucleotide will be operably linked to a transcription regulation  
40 25 sequence forming an expression construct, which may be linked to a selectable  
marker gene. In some embodiments, such a PEPC polynucleotide is present as an  
integrated transgene in a plant chromosome and may be accompanied, in linked or  
unlinked configuration, with a Rubisco encoding polynucleotide and/or an ADPGPP  
45 encoding polynucleotide; often such Rubisco and/or ADPGPP polynucleotides  
30 encode an optimized, shuffled enzyme.

5 In an aspect, the invention provides a hybrid PEPC composed of a  
shufflant comprising a sequence of at least 25 contiguous nucleotides at least 95  
percent identical to a plant PEPC gene and a sequence of at least 25 contiguous  
10 nucleotides at least 95 percent identical to a bacterial or algal PEPC gene, and a  
5 polynucleotide encoding same, and typically encoding a substantially full-length  
PEPC protein, usually comprising at least 90 percent of the coding sequence length,  
15 but not necessarily sequence identity, of a naturally occurring PEPC protein. In some  
embodiments, the polynucleotide will be operably linked to a transcription regulation  
sequence forming an expression construct, which may be linked to a selectable  
10 marker gene. In some embodiments, such a polynucleotide is present as an integrated  
20 transgene in a plant chromosome. It can be desirable for such a polynucleotide  
transgene to be transmissible via germline transmission in a plant.

The invention provides expression constructs, including bacterial  
25 plasmids, shuttle vectors, and plant transgenes, wherein the expression construct  
15 comprises a transcriptional regulatory sequence functional in plants operably linked  
to a polynucleotide encoding an enhanced PEPC protein. With respect to  
polynucleotide sequences encoding PEPC proteins, it is generally desirable to express  
30 such encoding sequences in plant cells with the expression constructs containing the  
necessary sequences for appropriate transcription, translation, and processing. The  
20 invention further provides plants and plant germplasm comprising said expression  
constructs, typically in stably integrated or other replicable form which segregates  
35 and can be stably maintained in the host organism, although in some embodiments it  
is desirable for commercial reasons that the expression sequence not be in the  
germline of sexually reproducible plants.

40 25 The invention provides a method for obtaining an isolated  
polynucleotide encoding an enhanced PEPC protein having PEPC catalytic activity  
wherein the  $K_m$  for substrate is significantly lower than a protein encoded by a  
45 parental polynucleotide encoding a naturally-occurring PEPC enzyme, the method  
comprising: (1) recombining sequences of a plurality of parental polynucleotide  
30 species encoding at least one PEPC sequence under conditions suitable for sequence  
shuffling to form a resultant library of sequence-shuffled PEPC polynucleotides, (2)

5 transferring said library into a plurality of host cells forming a library of  
transformants wherein sequence-shuffled PEPC polynucleotides are expressed, (3)  
assaying individual or pooled transformants for PEPC catalytic activity to determine  
10 the relative or absolute  $K_m$  for substrate and identifying at least one enhanced  
5 transformant that expresses a PEPC activity which has a significantly lower  $K_m$  for  
substrate than the PEPC activity encoded by the parental sequence(s), (4) recovering  
the sequence-shuffled PEPC polynucleotide from at least one enhanced transformant.  
15 Optionally, the recovered sequence-shuffled PEPC polynucleotide encoding an  
enhanced PEPC is recursively shuffled and selected by repeating steps 1 through 4,  
10 wherein the recovered sequence-shuffled PEPC polynucleotide is used as at least one  
parental sequence for subsequent shuffling. If it is desired to obtain a sequence-  
20 shuffled PEPC encoding a PEPC enzyme having an increased  $K_m$  for inhibitor, step 3  
comprises assaying individual or pooled transformants for PEPC catalytic activity to  
determine the relative or absolute  $K_m$  for the inhibitor and identifying at least one  
25 enhanced transformant that expresses a PEPC activity which has a significantly  
15 higher  $K_m$  for inhibitor than the PEPC activity encoded by the parental sequence(s).  
Similarly, if it is desired to obtain a sequence-shuffled PEPC encoding a PEPC  
30 enzyme having a decreased  $K_m$  for activator, step 3 comprises assaying individual or  
pooled transformants for PEPC catalytic activity to determine the relative or absolute  
20  $K_m$  for activator, and identifying at least one enhanced transformant that expresses a  
PEPC activity which has a significantly lower  $K_m$  for activator than the PEPC  
35 activity encoded by the parental sequence(s).

In an aspect, the PEPC gene sequence(s) is/are obtained as an isolated  
polynucleotide and is shuffled by any suitable shuffling method known in the art,  
40 25 such as DNA fragmentation and PCR, error-prone PCR, and the like, preferably with  
one or more additional parental polynucleotides encoding all or a part of another  
PEPC species. The population of sequence-shuffled PEPC polynucleotides are each  
operably linked to an expression sequence and transferred into host cells, preferably  
45 host cells substantially lacking endogenous PEPC activity, wherein the sequence-  
30 shuffled PEPC polynucleotides are expressed, forming a library of sequence-shuffled  
PEPC transformants. A sample of individual transformants and/or their clonal

5 progeny are isolated into discrete reaction vessels for PEPC activity assay, or are  
assayed in situ in certain embodiments. For samples assayed in reaction vessels,  
10 aliquots of the samples are separated into a plurality of reaction vessels containing an  
approximately equimolar amount of PEPC or total protein, and each vessel is assayed  
5 for PEPC activity in the presence of a predetermined concentration of substrate which  
ranges from about 0.0001 times the predetermined  $K_m$  for substrate of the PEPC  
15 encoded by the parental polynucleotide(s) to about 10,000 times the predetermined  
 $K_m$  for substrate of the PEPC encoded by the parental polynucleotide(s); the plurality  
of reaction vessels for each shufflant sample may also contain a fixed or variable  
20 concentration of activator and/or inhibitor, or neither. From the data generated by  
assaying the plurality of reaction vessels containing aliquots of each transformant, a  
 $K_m$  value and/or  $V_{max}$  is calculated by conventional art-known means for the  
sequence-shuffled PEPC of each transformant; typically the  $K_m$  and  $V_{max}$  values for  
25 a specific inhibitor or activator are determined. Sequence-shuffled polynucleotides  
15 encoding PEPC proteins that have significantly decreased  $K_m$  and/or  $V_{max}$  values  
for substrate, and/or significantly increased  $K_m$  values of inhibitor, and/or  
significantly decreased  $K_m$  values for activator are selected and used as parental  
30 sequences for at least one additional round of sequence shuffling by any suitable  
method and selection for further optimization of the desired PEPC phenotype. The  
20 shuffling and selection process is performed iteratively until sequence shuffled  
polynucleotides encoding at least one PEPC enzyme having a desired PEPC  
35 enzymatic phenotype is obtained, or until the optimization to reduce the relevant  $K_m$   
(or increase  $V_{max}$ ) has plateaued and no further improvement is seen in subsequent  
rounds of shuffling and selection.

40 25 In a variation, the sequence-shuffled polynucleotides operably linked  
to an expression sequence is also linked, in polynucleotide linkage, to an expression  
cassette encoding a selectable marker gene. Transformants are propagated on a  
selective medium to ensure that transformants which are assayed for PEPC activity  
45 contain a sequence-shuffled PEPC encoding sequence in expressible form.

30 In a variation, the above-described method is modified such that PEPC  
activity is assayed in the presence of varying concentrations of inhibitor and the  $K_m$



5 for inhibitor is determined. Each vessel containing an aliquot of a transformant is  
assayed for PEPC activity in the presence of a predetermined concentration of  
10 inhibitor which ranges from about 0.0001 times the predetermined  $K_m$  for inhibitor of  
the PEPC encoded by the parental polynucleotide(s) to about 10,000 times the  
5 predetermined  $K_m$  for inhibitor of the PEPC encoded by the parental  
polynucleotide(s). From the data generated by assaying the plurality of reaction  
15 vessels containing aliquots of each transformant, a  $K_m$  value is calculated by  
conventional art-known means for the sequence-shuffled PEPC of each transformant.  
Sequence-shuffled polynucleotides encoding PEPC proteins that have significantly  
10 increased  $K_m$  values for inhibitor are selected and used as parental sequences for at  
least one additional round of sequence shuffling by any suitable method and selection  
20 for increased  $K_m$  values for inhibitor. The shuffling and selection process is  
performed iteratively until sequence shuffled polynucleotides encoding at least one  
PEPC enzyme having a desired  $K_m$  value is obtained, or until the optimization to  
25 increase the  $K_m$  has plateaued and no further improvement is seen in subsequent  
15 rounds of shuffling and selection.

In a variation, the above-described method is modified such that PEPC  
30 activity is assayed in the presence of varying concentrations of activator and the  $K_m$   
for activator is determined. Each vessel containing an aliquot of a transformant is  
20 assayed for PEPC activity in the presence of a predetermined concentration of  
activator which ranges from about 0.0001 times the predetermined  $K_m$  for activator  
35 of the PEPC encoded by the parental polynucleotide(s) to about 10,000 times the  
predetermined  $K_m$  for activator of the PEPC encoded by the parental  
polynucleotide(s). From the data generated by assaying the plurality of reaction  
40 25 vessels containing aliquots of each transformant, a  $K_m$  value is calculated by  
conventional art-known means for the sequence-shuffled PEPC of each transformant.  
Sequence-shuffled polynucleotides encoding PEPC proteins that have significantly  
45 decreased  $K_m$  values for activator are selected and used as parental sequences for at  
least one additional round of sequence shuffling by any suitable method and selection  
30 for decreased  $K_m$  values for activator. The shuffling and selection process is  
performed iteratively until sequence shuffled polynucleotides encoding at least one

5 PEPC enzyme having a desired  $K_m$  value is obtained, or until the optimization to increase the  $K_m$  has plateaued and no further improvement is seen in subsequent rounds of shuffling and selection.

10 In a variation, the method comprises conducting biochemical assays on sample aliquots of transformants to determine PEPC enzyme activity so as to establish the ratio of the  $K_m$  for activator to the  $K_m$  for inhibitor for individual transformants. Sequence-shuffled polynucleotides encoding PEPC are obtained from transformants exhibiting a decrease in said ratio as compared to the ratio in PEPC produced from the parental encoding polynucleotide(s) to provide selected sequence-shuffled PEPC polynucleotides which can be used as parental sequences for at least one additional round of sequence shuffling by any suitable method and selection for a decreased ratio of  $K_m$ (activator) to  $K_m$ (inhibitor). The shuffling and selection process is performed iteratively until sequence shuffled polynucleotides encoding at least one PEPC enzyme having a desired  $K_m$  ratio is obtained, or until the optimization to decrease the  $K_m$  ratio has plateaued and no further improvement is seen in subsequent rounds of shuffling and selection.

15 In a variation, the method comprises conducting biochemical assays on sample aliquots of transformants to determine the pH profile of PEPC enzyme activity and the pH sensitivity of activator and inhibitor effects. A pH desensitized PEPC exhibits PEPC activity such that an increase in pH from approximately 7.0 to 8.0 produces: (1) a decrease in the  $K_i$  of malate or other inhibitor of less than one half of the decrease seen in parental PEPC enzyme under identical conditions, and/or (2) an increase in  $K_m$  of activator of less than one half of the increase seen in parental PEPC enzyme under identical conditions. Sequence-shuffled polynucleotides encoding PEPC are obtained from transformants exhibiting a decrease in pH effect as compared to the produced from the parental encoding polynucleotide(s) to provide selected sequence-shuffled PEPC polynucleotides which can be used as parental sequences for at least one additional round of sequence shuffling by any suitable method and selection for a decreased ratio of  $K_m$ (activator) to  $K_m$ (inhibitor). The shuffling and selection process is performed iteratively until sequence shuffled polynucleotides encoding at least one PEPC enzyme having a desired  $K_m$  ratio is obtained, or until the

5 optimization to decrease the Km ratio has plateaued and no further improvement is seen in subsequent rounds of shuffling and selection.

10 In an embodiment of the method, the host cell for transformation with sequence-shuffled polynucleotides encoding PEPC is a bacterial mutant which lacks a functional PEPC protein, such as *E. coli* mutant or an equivalent.

15 In an embodiment of the method, polynucleotides encoding naturally-occurring PEPC protein sequences of a plurality of species of photosynthetic prokaryotes and/or algae and/or higher plants are shuffled by a suitable shuffling method to generate a shuffled PEPC polynucleotide library, wherein each shuffled  
20 PEPC encoding sequence is operably linked to an expression sequence, and which may optionally comprise a linked selectable marker gene cassette. Said library is transformed into a host cell population to form a transformed host cell library. The transformed host cell library is propagated on growth medium, which may contain a selection agent to ensure retention of a linked selectable marker gene. Transformed  
25 host cells which are screened for under the most stringent conditions are isolated individually or in pools, and the sequence-shuffled polynucleotide sequences encoding PEPC are recovered, and optionally subjected to at least one subsequent iteration of shuffling and selection on growth medium and PEPC activity screening. Optionally or in addition, transformants are assayed for inhibitor-resistant PEPC  
30 activity and/or high activity PEPC in absence of activator. The recovered sequence-shuffled PEPC polynucleotide(s) encode(s) an enhanced PEPC protein.

35 The invention provides a plant cell protoplast and clonal progeny thereof containing a sequence-shuffled polynucleotide encoding a PEPC which is not encoded by the naturally occurring genome of the plant cell protoplast. The invention  
40 also provides a collection of plant cell protoplasts transformed with a library of sequence-shuffled PEPC polynucleotides in expressible form.

45 The invention also provides a regenerated plant containing at least one species of replicable or integrated polynucleotide comprising a sequence-shuffled portion and encoding a PEPC polypeptide. The invention provides a method variation  
50 wherein at least one round of phenotype selection is performed on regenerated plants derived from protoplasts transformed with sequence-shuffled PEPC library members.

5 In an embodiment, the phenotype selection comprises a determination, either directly or by proxy, of carbon fixation via the PEPC reaction.

10 The invention provides species-specific PEPC shuffling, wherein a transformed plant cell or adult plant or reproductive structure comprises a  
5 polynucleotide encoding a shuffled PEPC that is at least 95 percent sequence identical to the corresponding PEPC encoded by an untransformed naturally-occurring genome of the same taxonomic species of plant cell or adult plant. Typically, the shuffled  
15 PEPC results from shuffling of one or more alleles encoding the PEPC in the taxonomic species genome, optionally including mutagenesis in one or more of the  
10 iterative shuffling and selection cycles. The species-specific PEPC shuffling may include shuffling a polynucleotide encoding a full-length PEPC of a first taxonomic  
20 species under conditions whereby PEPC sequences of a second taxonomic species (or collection of species) are shuffled in at a low prevalence, such that the resultant population of shufflant polynucleotides contains, on average, shuffled  
25 polynucleotides composed of at least about 95 percent sequence encoding the first taxonomic species PEPC and less than about 5 percent sequence encoding the second taxonomic species (or collection of species) PEPC. The species-specific shufflants  
30 are thus highly biased towards identity with the first taxonomic species and shufflants which are selected for the desired PEPC phenotype are transferred back into the first taxonomic species for expression and regeneration of adult plants and germplasm.  
20 Optionally, selected shufflants are backcrossed against the naturally occurring PEPC encoding sequences of the first taxonomic species to remove non-essential sequence alterations and harmonize the final shufflant sequence to the naturally-occurring  
35 PEPC sequence of the first taxonomic species.

40 25 A variation of the method includes adapting a bacterial or algal PEPC for optimal function in a plant cell, or adult vegetative plant. This variation comprises recursive shuffling and selection of a library of bacterial or algal PEPC  
45 encoding sequences in a plant cell of the taxonomic species of plant for which the bacterial or algal PEPC is being adapted to function in an adult plant. This variation  
30 can include not only selecting for a desired PEPC enzymatic phenotype, but also selecting for appropriate function of a operably linked transcriptional control

5 sequence in conjunction with PEPC function. This variation can employ host cells  
which are regenerable post-transformation, and selection of adult plants for enhanced  
carbon fixation via PEPC; recovery of the encoding PEPC shufflants (and optionally  
10 the linked transcriptional control sequences), and at least one cycle of recursive  
5 shuffling and selection to evolve a bacterial or algal PEPC, and optionally a  
transcriptional control sequence, optimized for function in the desired plant  
taxonomic species or closely related taxonomic categories.

15 An object of the invention is the production of higher plants which  
express one or more PEPC enzyme which confer an enhanced carbon fixation  
20 conversion ratio to the plants. Although the invention is described principally with  
respect to the use of genetic sequence shuffling to generate enhanced PEPC coding  
sequences, the invention also provides for the introduction of PEPC coding sequences  
obtained from organisms having PEPC with desirable enzymatic phenotypes, such as  
inhibitor-resistant PEPC from bacterial mutants, into higher plants. Thus, the  
25 invention provides a method comprising the step of introducing into a higher plant  
(e.g., a monocot or dicot) an expression cassette encoding a PEPC encoded by a  
genome of a bacterium or algae. Typically, at least a sequence encoding a  
substantially full-length PEPC protein of the bacterial or algal PEPC is transferred.  
30 An aspect of the invention provides C4 land plants comprising a polynucleotide  
sequence encoding a bacterial or algal PEPC composed in an expression cassette  
suitable for expression in a C4 land plant; optionally an expression cassette encoding  
a PEPC operably linked to regulatory sequences for expression in the nucleus of the  
C4 plant, e.g., in tissue such as mesophyll cells, additionally is transferred into the  
nucleus of the C4 plant. A C3 plant may be used in place of a C4 plant if desired. A  
40 specific embodiment comprises a regenerable protoplast of *Glycine max*, *Nicotiana  
tabacum*, or *Zea mays* (or other agricultural crop species amenable to regeneration  
from protoplasts) having a nuclear genome containing an expressible shuffled PEPC  
gene that is obtained from a bacterium or algae, and typically is at least 90 percent up  
45 to 99 percent sequence identical to a PEPC gene in the genome of said bacterium or  
algae, but is mutated in at least one codon as compared to the parental sequence. The  
invention also provides adult plants, cultivars, seeds, vegetative bodies, fruits,

germplasm, and reproductive cells obtained from regeneration of such transformed protoplasts.

The invention provides a kit for obtaining a polynucleotide encoding a PEPC protein having a predetermined enzymatic phenotype, the kit comprising a cell line suitable for forming transformable host cells and a collection sequence-shuffled polynucleotides formed by *in vitro* sequence shuffling. The kit often further comprises a transformation enhancing agent (e.g., lipofection agent, PEG, etc.) and/or a transformation device (e.g., a biolistics gene gun) and/or a plant viral vector which can infect plant cells or protoplasts thereof.

The disclosed method for providing an agricultural organism having an improved PEPC enzymatic phenotype by iterative gene shuffling and phenotype selection is a pioneering method which enables a broad range of novel and advantageous agricultural compositions, methods, kits, uses, plant cultivars, and apparatus which will be apparent to those skilled in the art in view of the present disclosure.

Other features and advantages of the invention will be apparent from the following description of the drawings, preferred embodiments of the invention, the examples, and the claims.

#### BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1. Desensitization of PEPC to activator and inhibitor. Panel A shows a diagrammatic representation of PEPC activity as a function of activator concentration for a parental wild-type PEPC (solid line), a shufflant which is partially desensitized (dotted line), and a shufflant which is fully desensitized (dashed line) to activator. Panel B shows a diagrammatic representation of PEPC activity as a function of inhibitor concentration for a parental wild-type PEPC (solid line), a shufflant which is partially desensitized (dotted line), and a shufflant which is fully desensitized (dashed line) to inhibitor.

Figure 2. Optimization by shuffling of PEPC for substrate usage and resistance to inhibition. Panel A shows a diagrammatic representation of PEPC activity as a function of substrate concentration for a parental wild-type PEPC (solid line), and a shufflant which is optimized for substrate usage (dashed line);  $K_m$  for the

5 wildtype  $K_m(wt)$  and optimized enzyme  $K_m(opt)$ , and  $V_{max}$  for the wildtype  
10  $V_{max}(wt)$  and optimized  $V_{max}(opt)$  are shown. Panel B shows a diagrammatic  
15 representation of PEPC activity as a function of inhibitor concentration for a parental  
20 wild-type PEPC (solid line), and a shufflant which is optimized for substrate  
25 usage(dashed line);  $K_m$  for the wildtype  $K_m(wt)$  and optimized enzyme  $K_m(opt)$ , and  
30  $V_{max}$  for the wildtype  $V_{max}(wt)$  and optimized  $V_{max}(opt)$  are shown.

#### DETAILED DESCRIPTION

##### Definitions

10 Unless defined otherwise, all technical and scientific terms used herein  
15 have the same meaning as commonly understood by one of ordinary skill in the art to  
20 which this invention belongs. Although any methods and materials similar or  
25 equivalent to those described herein can be used in the practice or testing of the  
30 present invention, the preferred methods and materials are described. For purposes of  
35 the present invention, the following terms are defined below.

15 The term "shuffling" is used herein to indicate recombination between  
20 similar but non-identical polynucleotide sequences. Generally, more than one cycle  
25 of recombination is performed in DNA shuffling methods. In some embodiments,  
30 DNA shuffling may involve crossover via nonhomologous recombination, such as via  
35 *crc/lox* and/or *flp/frt* systems and the like, such that recombination need not require  
40 substantially homologous polynucleotide sequences. In *silico* and oligonucleotide  
45 mediated approaches also do not require similarity/homology. Homologous and non-  
50 homologous recombination formats can be used, and, in some embodiments, can  
55 generate molecular chimeras and/or molecular hybrids of substantially dissimilar  
sequences. Viral recombination systems, such as template-switching and the like can  
also be used to generate molecular chimeras and recombined genes, or portions  
thereof. A general description of shuffling is provided in commonly-assigned  
WO98/13487 and WO98/13485, both of which are incorporated herein in their  
entirety by reference; in case of any conflicting description of definition between any  
of the incorporated documents and the text of this specification, the present  
specification provides the principal basis for guidance and disclosure of the present  
invention.

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The term "related polynucleotides" means that regions or areas of the polynucleotides are identical and regions or areas of the polynucleotides are heterologous.

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The term "chimeric polynucleotide" means that the polynucleotide comprises regions which are wild-type and regions which are mutated. It may also mean that the polynucleotide comprises wild-type regions from one polynucleotide and wild-type regions from another related polynucleotide.

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The term "cleaving" means digesting the polynucleotide with enzymes or breaking the polynucleotide (e.g., by chemical or physical means), or generating partial length copies of a parent sequence(s) via partial PCR extension, PCR stuttering, differential fragment amplification, or other means of producing partial length copies of one or more parental sequences.

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The term "population" as used herein means a collection of components such as polynucleotides, nucleic acid fragments or proteins. A "mixed population" means a collection of components which belong to the same family of nucleic acids or proteins (i.e. are related) but which differ in their sequence (i.e. are not identical) and hence in their biological activity.

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The term "mutations" means changes in the sequence of a parent nucleic acid sequence (e.g., a gene or a microbial genome, transferable element, or episome) or changes in the sequence of a parent polypeptide. Such mutations may be point mutations such as transitions or transversions. The mutations may be deletions, insertions or duplications.

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The term "recursive sequence recombination" as used herein refers to a method whereby a population of polynucleotide sequences are recombined with each other by any suitable recombination means (e.g., sexual PCR, homologous recombination, site-specific recombination, etc.) to generate a library of sequence-recombined species which is then screened or subjected to selection to obtain those sequence-recombined species having a desired property; the selected species are then subjected to at least one additional cycle of recombination with themselves and/or with other polynucleotide species and at subsequent selection or screening for the desired property.

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5                   The term "amplification" means that the number of copies of a nucleic acid fragment is increased.

10                   The term "naturally-occurring" as used herein as applied to an object refers to the fact that an object can be found in nature. For example, a polypeptide or  
15                   5 polynucleotide sequence that is present in an organism that can be isolated from a source in nature and which has not been intentionally modified by man in the laboratory is naturally-occurring. As used herein, laboratory strains and established cultivars of plants which may have been selectively bred according to classical genetics are considered naturally-occurring. As used herein, naturally-occurring  
20                   10 polynucleotide and polypeptide sequences are those sequences, including natural variants thereof, which can be found in a source in nature, or which are sufficiently similar to known natural sequences that a skilled artisan would recognize that the sequence could have arisen by natural mutation and recombination processes.

25                   15 As used herein "predetermined" means that the cell type, non-human animal, or virus may be selected at the discretion of the practitioner on the basis of a known phenotype.

30                   As used herein, "linked" means in polynucleotide linkage (i.e., phosphodiester linkage). "Unlinked" means not linked to another polynucleotide sequence; hence, two sequences are unlinked if each sequence has a free 5' terminus  
20                   and a free 3' terminus.

35                   As used herein, the term "operably linked" refers to a linkage of polynucleotide elements in a functional relationship. A nucleic acid is "operably linked" when it is placed into a functional relationship with another nucleic acid sequence. For instance, a promoter or enhancer is operably linked to a coding  
40                   25 sequence if it affects the transcription of the coding sequence. Operably linked means that the DNA sequences being linked are typically contiguous and, where necessary to join two protein coding regions, contiguous and in reading frame. However, since enhancers generally function when separated from the promoter by several kilobases  
45                   and intronic sequences may be of variable lengths, some polynucleotide elements may  
30                   be operably linked but not contiguous. A structural gene (e.g., a *PEPC* gene) which is operably linked to a polynucleotide sequence corresponding to a transcriptional

5 regulatory sequence of an endogenous gene is generally expressed in substantially the same temporal and cell type-specific pattern as is the naturally-occurring gene.

As used herein, the terms "expression cassette" refers to a  
10 polynucleotide comprising a promoter sequence and, optionally, an enhancer and/or  
5 silencer element(s), operably linked to a structural sequence, such as a cDNA  
sequence or genomic DNA sequence. In some embodiments, an expression cassette  
may also include polyadenylation site sequences to ensure polyadenylation of  
15 transcripts. When an expression cassette is transferred into a suitable host cell, the  
structural sequence is transcribed from the expression cassette promoter, and a  
translatable message is generated, either directly or following appropriate RNA  
20 splicing. Typically, an expression cassette comprises: (1) a promoter, such as a  
CaMV 35S promoter, a NOS promoter or a *rbcs* promoter, or other suitable promoter  
known in the art, (2) a cloned polynucleotide sequence, such as a cDNA or genomic  
fragment ligated to the promoter in sense orientation so that transcription from the  
25 promoter will produce a RNA that encodes a functional protein, and (3) a  
polyadenylation sequence. For example and not limitation, an expression cassette of  
the invention may comprise the cDNA expression cloning vectors, pCD and  $\lambda$ NMT  
(Okayama H and Berg P (1983) Mol. Cell. Biol. 3: 280; Okayama H and Berg P  
30 (1985) Mol. Cell. Biol. 5: 1136, incorporated herein by reference).

As used herein, the term "transcriptional unit" or "transcriptional  
20 complex" refers to a polynucleotide sequence that comprises a structural gene  
(exons), a cis-acting linked promoter and other cis-acting sequences necessary for  
35 efficient transcription of the structural sequences, distal regulatory elements necessary  
for appropriate tissue-specific and developmental transcription of the structural  
sequences, and additional cis sequences important for efficient transcription and  
40 translation (e.g., polyadenylation site, mRNA stability controlling sequences).

As used herein, the term "transcription regulatory region" refers to a  
45 DNA sequence comprising a functional promoter and any associated transcription  
elements (e.g., enhancer, CCAAT box, TATA box, LRF, ethanol-inducible element,  
30 etc.) that are essential for transcription of a polynucleotide sequence that is operably  
linked to the transcription regulatory region.

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As used herein, the term "xenogeneic" is defined in relation to a recipient genome, host cell, or organism and means that an amino acid sequence or polynucleotide sequence is not encoded by or present in, respectively, the naturally-occurring genome of the recipient genome, host cell, or organism. Xenogenic DNA sequences are foreign DNA sequences. Further, a nucleic acid sequence that has been substantially mutated (e.g., by site directed mutagenesis) is xenogeneic with respect to the genome from which the sequence was originally derived, if the mutated sequence does not naturally occur in the genome.

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The term "corresponds to" is used herein to mean that a polynucleotide sequence is homologous (i.e., identical) to all or a portion of a reference polynucleotide sequence, or that a polypeptide sequence is identical to a reference polypeptide sequence. In contradistinction, the term "complementary to" is used herein to mean that the complementary sequence is homologous to all or a portion of a reference polynucleotide sequence. For illustration, the nucleotide sequence "5'-TATAC" corresponds to a reference sequence "5'-TATAC" and is complementary to a reference sequence "5'-GTATA".

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The following terms are used to describe the sequence relationships between two or more polynucleotides: "reference sequence", "comparison window", "sequence identity", "percentage of sequence identity", and "substantial identity". A "reference sequence" is a defined sequence used as a basis for a sequence comparison; a reference sequence may be a subset of a larger sequence, for example, as a segment of a full-length viral gene or virus genome. Generally, a reference sequence is at least 20 nucleotides in length, frequently at least 25 nucleotides in length, and often at least 50 nucleotides in length. Since two polynucleotides may each comprise (1) a sequence (i.e., a portion of the complete polynucleotide sequence) that is similar between the two polynucleotides, and (2) a sequence that is divergent between the two polynucleotides, sequence comparisons between two (or more) polynucleotides are typically performed by comparing sequences of the two polynucleotides over a "comparison window" to identify and compare local regions of sequence similarity.

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5 A "comparison window", as used herein, refers to a conceptual  
segment of at least 25 contiguous nucleotide positions wherein a polynucleotide  
sequence may be compared to a reference sequence of at least 25 contiguous  
10 nucleotides and wherein the portion of the polynucleotide sequence in the comparison  
5 window may comprise additions or deletions (i.e., gaps) of 20 percent or less as  
compared to the reference sequence (which for comparative purposes in this manner  
does not comprise additions or deletions) for optimal alignment of the two sequences.  
15 Optimal alignment of sequences for aligning a comparison window may be conducted  
by the local homology algorithm of Smith and Waterman (1981) Adv. Appl. Math. 2:  
10 482, by the homology alignment algorithm of Needleman and Wunsch (1970) J. Mol.  
20 Biol. 48: 443, by the search for similarity method of Pearson and Lipman (1988)  
Proc. Natl. Acad. Sci. (U.S.A.) 85: 2444, by computerized implementations of these  
algorithms (GAP, BESTFIT, FASTA, and TFASTA in the Wisconsin Genetics  
25 Software Package Release 7.0, Genetics Computer Group, 575 Science Dr., Madison,  
15 WI), or by inspection, and the best alignment (i.e., resulting in the highest percentage  
of homology over the comparison window) generated by the various methods is  
selected.

30 The term "sequence identity" means that two polynucleotide sequences  
are identical (i.e., on a nucleotide-by-nucleotide basis) over the window of  
20 comparison. The term "percentage of sequence identity" is calculated by comparing  
two optimally aligned sequences over the window of comparison, determining the  
35 number of positions at which the identical nucleic acid base (e.g., A, T, C, G, U, or I)  
occurs in both sequences to yield the number of matched positions, dividing the  
number of matched positions by the total number of positions in the window of  
40 comparison (i.e., the window size), and multiplying the result by 100 to yield the  
25 percentage of sequence identity. The term "substantial identity" as used herein  
denotes a characteristic of a polynucleotide sequence, wherein the polynucleotide  
comprises a sequence that has at least 80 percent sequence identity, preferably at least  
45 85 percent identity and often 89 to 95 percent sequence identity, more usually at least  
30 99 percent sequence identity as compared to a reference sequence over a comparison  
window of at least 20 nucleotide positions, optionally over a window of at least 30-50

5 nucleotides, wherein the percentage of sequence identity is calculated by comparing  
the reference sequence to the polynucleotide sequence that may include deletions or  
10 additions which total 20 percent or less of the reference sequence over the window of  
comparison. The reference sequence may be a subset of a larger sequence.

5 Specific hybridization is defined herein as the formation, by hydrogen  
bonding or nucleotide (or nucleobase) bases, of hybrids between a probe  
15 polynucleotide (e.g., a polynucleotide of the invention and a specific target  
polynucleotide, wherein the probe preferentially hybridizes to the specific target such  
that, for example, a single band corresponding to, e.g., one or more of the RNA  
10 species of the gene (or specifically cleaved or processed RNA species) can be  
identified on a Northern blot of RNA prepared from a suitable source. Such hybrids  
20 may be completely or only partially base-paired. Polynucleotides of the invention  
which specifically hybridize to viral genome sequences may be prepared on the basis  
25 of the sequence data provided herein and available in the patent applications  
15 incorporated herein and scientific and patent publications noted above, and according  
to methods and thermodynamic principles known in the art and described in  
Sambrooke et al. et al., Molecular Cloning: A Laboratory Manual, 2nd Ed., (1989),  
30 Cold Spring Harbor, N.Y.; Berger and Kimmel, Methods in Enzymology, Volume  
152, Guide to Molecular Cloning Techniques (1987), Academic Press, Inc., San  
20 Diego, CA; Goodspeed et al. (1989) Gene 76: 1; Dunn et al. (1989) J. Biol. Chem.  
264: 13057, and Dunn et al. (1988) J. Biol. Chem. 263: 10878, which are each  
35 incorporated herein by reference.

"Physiological conditions" as used herein refers to temperature, pH,  
40 ionic strength, viscosity, and like biochemical parameters that are compatible with a  
25 viable plant organism or agricultural microorganism (e.g., Rhizobium,  
Agrobacterium, etc.), and/or that typically exist intracellularly in a viable cultured  
plant cell, particularly conditions existing in the nucleus of said cell. In general, in  
45 vitro physiological conditions can comprise 50-200 mM NaCl or KCl, pH 6.5-8.5, 20-  
45EC and 0.001-10 mM divalent cation (e.g., Mg<sup>++</sup>, Ca<sup>++</sup>); preferably about 150 mM  
30 NaCl or KCl, pH 7.2-7.6, 5 mM divalent cation, and often include 0.01-1.0 percent  
nonspecific protein (e.g., BSA). A non-ionic detergent (Tween, NP-40, Triton X-  
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100) can often be present, usually at about 0.001 to 2%, typically 0.05-0.2% (v/v). Particular aqueous conditions may be selected by the practitioner according to conventional methods. For general guidance, the following buffered aqueous conditions may be applicable: 10-250 mM NaCl, 5-50 mM Tris HCl, pH 5-8, with optional addition of divalent cation(s), metal chelators, nonionic detergents, membrane fractions, antifoam agents, and/or scintillants.

As used herein, the terms "label" or "labeled" refer to incorporation of a detectable marker, e.g., a radiolabeled amino acid or a recoverable label (e.g. biotinyl moieties that can be recovered by avidin or streptavidin). Recoverable labels can include covalently linked polynucleobase sequences that can be recovered by hybridization to a complementary sequence polynucleotide. Various methods of labeling polypeptides, PNAs, and polynucleotides are known in the art and may be used. Examples of labels include, but are not limited to, the following: radioisotopes (e.g.,  $^3\text{H}$ ,  $^{14}\text{C}$ ,  $^{35}\text{S}$ ,  $^{125}\text{I}$ ,  $^{131}\text{I}$ ), fluorescent or phosphorescent labels (e.g., FITC, rhodamine, lanthanide phosphors), enzymatic labels (e.g., horseradish peroxidase,  $\beta$ -galactosidase, luciferase, alkaline phosphatase), biotinyl groups, predetermined polypeptide epitopes recognized by a secondary reporter (e.g., leucine zipper pair sequences, binding sites for antibodies, transcriptional activator polypeptide, metal binding domains, epitope tags). In some embodiments, labels are attached by spacer arms of various lengths, e.g., to reduce potential steric hindrance.

As used herein, the term "statistically significant" means a result (i.e., an assay readout) that generally is at least two standard deviations above or below the mean of at least three separate determinations of a control assay readout and/or that is statistically significant as determined by Student's t-test or other art-accepted measure of statistical significance.

The term "transcriptional modulation" is used herein to refer to the capacity to either enhance transcription or inhibit transcription of a structural sequence linked in cis; such enhancement or inhibition may be contingent on the occurrence of a specific event, such as stimulation with an inducer and/or may only be manifest in certain cell types.

5 The term "agent" is used herein to denote a chemical compound, a  
mixture of chemical compounds, a biological macromolecule, or an extract made  
from biological materials such as bacteria, plants, fungi, or animal cells or tissues.  
10 Agents are evaluated for potential activity as PEPC inhibitors or allosteric effectors  
5 by inclusion in screening assays described hereinbelow.

As used herein, "substantially pure" means an object species is the  
predominant species present (i.e., on a molar basis it is more abundant than any other  
15 individual macromolecular species in the composition), and preferably a substantially  
purified fraction is a composition wherein the object species comprises at least about  
10 50 percent (on a molar basis) of all macromolecular species present. Generally, a  
substantially pure composition will comprise more than about 80 to 90 percent of all  
20 macromolecular species present in the composition. Most preferably, the object  
species is purified to essential homogeneity (contaminant species cannot be detected  
in the composition by conventional detection methods) wherein the composition  
25 consists essentially of a single macromolecular species. Solvent species, small  
15 molecules (<500 Daltons), and elemental ion species are not considered  
macromolecular species.

As used herein, the term "optimized" is used to mean substantially  
improved in a desired structure or function relative to an initial starting condition, not  
20 necessarily the optimal structure or function which could be obtained if all possible  
combinatorial variants could be made and evaluated, a condition which is typically  
35 impractical due to the number of possible combinations and permutations in  
polynucleotide sequences of significant length (e.g., a complete plant gene or  
genome).

As used herein, "PEPC enzymatic phenotype" means an observable or  
otherwise detectable phenotype that can be discriminative based on PEPC function.  
For example and not limitation, a PEPC enzymatic phenotype can comprise an  
45 enzyme  $K_m$  for a substrate,  $K_m$  for an inhibitor ( $K_i$ ),  $K_m$  for an activator ( $K_a$ ),  $V_{max}$ ,  
a turnover rate, an inhibition coefficient ( $K_i$ ), or an observable or otherwise detectable  
30 trait that reports PEPC function in a cell or clonal progeny thereof, including an adult

5 plant or organ thereof, which otherwise lack said trait in the absence of significant PEPC function.

10 Description of Preferred Embodiments

5 The present invention provides methods, reagents, genetically modified plants, plant cells and protoplasts thereof, microbes, and polynucleotides, and compositions relating to the forced evolution of PEPC sequences to improve an enzymatic property of a PEPC protein. In an aspect, the invention provides a shuffled PEPC which is catalytically active and which exhibits an improved enzymatic profile, 15 such as an increased  $K_m$  for inhibitor, decreased  $K_m$  for activator, and or a decreased  $K_m$  for substrate, increased  $V_{max}$ , reduced pH sensitivity, or the like.

20 In a broad aspect, the invention is based, in part, on a method for shuffling polynucleotide sequences that encode a PEPC enzyme. The method comprises the step of selecting at least one polynucleotide sequence that encodes a PEPC having an enhanced enzymatic phenotype and subjecting said selected 25 polynucleotide sequence to at least one subsequent round of mutagenesis and/or sequence shuffling, and selection for the enhanced phenotype. Preferably, the method is performed recursively on a collection of selected polynucleotide sequences encoding the PEPC to iteratively provide polynucleotide sequences encoding PEPC 30 species having the desired enhanced enzymatic phenotype.

20 The invention provides shuffled PEPC encoding sequences, wherein said shuffled encoding sequences comprise at least 21 contiguous nucleotides, 35 preferably at least 30 contiguous nucleotides, or more, of a first naturally occurring PEPC gene sequence and at least 21 contiguous nucleotides, preferably at least 30 contiguous nucleotides, or more, of a second naturally occurring PEPC sequence, 40 operably linked in reading frame to encode a PEPC which has PEPC activity and which has an enhanced PEPC enzymatic phenotype. In some variations, it will be possible to use shuffled encoding sequences which have less than 21 contiguous 45 nucleotides identical to a naturally-occurring PEPC gene sequence.

50 The invention provides shuffled PEPC encoding sequences, wherein 30 the shuffled sequences comprise portions of a first parental PEPC encoding sequence



5 which comprises at least one mutation in the encoding sequence as compared to the collection of predetermined naturally occurring PEPC sequences.

10 Generally, the nomenclature used hereafter and the laboratory procedures in cell culture, molecular genetics, virology, and nucleic acid chemistry and hybridization described below are those well known and commonly employed in the art. Standard techniques are used for recombinant nucleic acid methods, 5 polynucleotide synthesis, and microbial culture and transformation (e.g., biolistics, Agrobacterium (Ti plasmid), electroporation, lipofection). Generally enzymatic reactions and purification steps are performed according to the manufacturer's specifications. The techniques and procedures are generally performed according to 10 conventional methods in the art and various general references (see, generally, Sambrook et al. Molecular Cloning: A Laboratory Manual, 2d ed. (1989) Cold Spring Harbor Laboratory Press, Cold Spring Harbor, N.Y., which is incorporated herein by reference) which are provided throughout this document. The procedures 15 therein are believed to be well known in the art and are provided for the convenience of the reader. All the information contained therein is incorporated herein by reference.

20 Oligonucleotides can be synthesized on an Applied Bio Systems oligonucleotide synthesizer according to specifications provided by the manufacturer.

25 Methods for PCR amplification are described in the art (PCR Technology: Principles and Applications for DNA Amplification ed. HA Erlich, Freeman Press, New York, NY (1992); PCR Protocols: A Guide to Methods and Applications, eds. Innis, Gelfand, Snisky, and White, Academic Press, San Diego, CA (1990); Mattila et al. (1991) Nucleic Acids Res. 19: 4967; Eckert, K.A. and Kunkel, T.A. (1991) PCR Methods and Applications 1: 17; PCR, eds. McPherson, 30 Quirk, and Taylor, IRL Press, Oxford; and U.S. Patent 4,683,202, which are incorporated herein by reference). Leaf PCR is suitable for genotype analysis of transgene plants

35 All sequences referred to herein or equivalents which function in the disclosed methods can be retrieved by GenBank database file designation or a

commonly used reference name which is indexed in GenBank or otherwise published are incorporated herein by reference and are publicly available.

Incorporation by Reference of Related Applications

The following co-pending patent applications and publications of the present inventors and co-workers are incorporated herein by reference for all purposes: U.S.S.N. 08/198,431, filed 17 February 1994, PCT/US95/02126 filed 17 February 1995, WO97/20078, U.S. Patent 5,605,793, U.S. Patent 5,358,665, U.S. Patent 5,270,170, U.S.S.N. 08/425,684 filed 18 April 1995, U.S.S.N. 08/537,874 filed 30 October 1995, U.S.S.N. 08/564,955 filed 30 November 1995, U.S.S.N. 08/621,859 filed 25 March 1996, PCT/US96/05480 filed 18 April 1996, U.S.S.N. 08/650,400 filed 20 May 1996, U.S.S.N. 08/675,502 filed 3 July 1996, U.S.S.N. 08/721,824 filed 27 September 1996, U.S.S.N. 08/722,660 filed 27 September 1996, and U.S.S.N. 08/769,062 filed 18 December 1996; WO98/13485 and WO98/13487; and Stemmer (1995) Science 270: 1510; Stemmer et al. (1995) Gene 164: 49-53; Stemmer (1995) Bio/Technology 13: 549-553; Stemmer (1994) PNAS 91: 10747-10751; Stemmer (1994) Nature 370: 389-391; Crameri et al. (1996) Nature Medicine 2: 1-3; Crameri et al. (1996) Nature Biotechnology 14: 315-319; commonly assigned U.S. Patent Application "MODIFIED ADP-GLUCOSE PYROPHOSPHORYLASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES," USSN 60/107,782, filed on 10 November 1998 (Attorney docket number 018097-029000US); commonly assigned U.S. Patent Application U.S.S.N. 60/107,756 and 60/153,093 entitled "MODIFIED RIBULOSE BISPHOSPHATE CARBOXYLASE/OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES," filed on 10 November 1998 and September 9, 1999, respectively; and "TRANSFORMATION, SELECTION, AND SCREENING OF SEQUENCE SHUFFLED POLYNUCLEOTIDES FOR DEVELOPMENT AND OPTIMIZATION OF PLANT PHENOTYPES" USSN 60/098,528, PCT/US99/19732 and USSN 09/385,833 filed August 31, 1998, August 30, 1999 and August 30, 1999, respectively.

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Overview

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The invention relates in part to a method for generating novel or improved PEPC genetic sequences and improved starch production phenotypes which do not naturally occur or would be anticipated to occur at a substantial frequency in nature. A broad aspect of the method employs recursive nucleotide sequence recombination, termed "sequence shuffling", which enables the rapid generation of a collection of broadly diverse phenotypes that can be selectively bred for a broader range of novel phenotypes or more extreme phenotypes than would otherwise occur by natural evolution in the same time period. A basic variation of the method is a recursive process comprising: (1) sequence shuffling of a plurality of species of a genetic sequence, which species may differ by as little as a single nucleotide difference or may be substantially different yet retain sufficient regions of sequence similarity or site-specific recombination junction sites to support shuffling recombination, (2) selection of the resultant shuffled genetic sequence to isolate or enrich a plurality of shuffled genetic sequences having a desired phenotype(s), and (3) repeating steps (1) and (2) on the plurality of shuffled genetic sequences having the desired phenotype(s) until one or more variant genetic sequences encoding a sufficiently optimized desired phenotype is obtained. In this general manner, the method facilitates the "forced evolution" of a novel or improved genetic sequence to encode a desired PEPC enzymatic phenotype which natural selection and evolution has heretofore not generated in the reference agricultural organism.

Typically, a plurality of PEPC genetic sequences are shuffled and selected by the present method. The method can be used with a plurality of alleles, homologs, or cognate genes of a genetic locus, or even with a plurality of genetic sequences from related organisms, and in some instances with unrelated genetic sequences or portions thereof which have recombinogenic portions (either naturally or generated via genetic engineering). Furthermore, the method can be used to evolve a heterologous PEPC sequence (e.g., a non-naturally occurring mutant gene from another species) to optimize its function and/or in a particular host cell.

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PEPC

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Coding sequences for various species are disclosed in the literature and Genbank, among other public sources, and may be obtained by cloning, PCR, or from deposited materials.

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PEPC shufflants are generated by any suitable shuffling method from one or more parental sequences, optionally including mutagenesis, and the resultant shufflants are introduced into a suitable host cell, typically in the form of expression cassettes wherein the shuffled polynucleotide sequence encoding the PEPC is operably linked to a transcriptional regulatory sequence and any necessary sequences for ensuring transcription, translation, and processing of the encoded PEPC protein. Each such expression cassette or its shuffled PEPC encoding sequence can be referred to as a "library member" composing a library of shuffled PEPC sequences. The library is introduced into a population of host cells, such that individual host cells receive substantially one or a few species of library member(s), to form a population of shufflant host cells expressing a library of shuffled PEPC species. The population of shufflant host cells is screened so as to isolate or segregate host cells and/or their progeny which express PEPC having the desired enhanced phenotype. The shuffled PEPC encoding sequence(s) is/are recovered from the isolated or segregated shufflant host cells, and typically subjected to at least one subsequent round of mutagenesis and/or sequence shuffling, introduced into suitable host cells, and selected for the desired enhanced enzymatic phenotype; this cycle is generally performed iteratively until the shufflant host cells express a PEPC having the desired level or enzymatic phenotype or until the rate of improvement in the desired enzymatic phenotype produced by shuffling has substantially plateaued. The shufflant PEPC polynucleotides expressed in the host cells following the iterative process of shuffling and selection encode PEPC specie(s) having the desired enhanced phenotype.

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5 for activation (desensitization), decreased ratio of  $K_m$  for activator to  $K_m$  for  
inhibitor, velocity ( $V_{max}$ ) for substrate use, desensitization to increased effects of  
10 inhibitor at increasing pH, and the like as described herein and as may be desired by  
the skilled artisan.

#### 5 Shuffling

The following publications describe a variety of recursive  
15 recombination procedures and/or methods which can be incorporated into such  
procedures, e.g., for shuffling of PEPC genes and gene fragments as herein: Stemmer,  
et al., (1999) "Molecular breeding of viruses for targeting and other clinical  
20 properties. Tumor Targeting" 4:1-4; Nasset al. (1999) "DNA Shuffling of  
subgenomic sequences of subtilisin" Nature Biotechnology 17:893-896; Chang et al.  
(1999) "Evolution of a cytokine using DNA family shuffling" Nature Biotechnology  
17:793-797; Minshall and Stemmer (1999) "Protein evolution by molecular breeding"  
25 Current Opinion in Chemical Biology 3:284-290; Christians et al. (1999) "Directed  
evolution of thymidine kinase for AZT phosphorylation using DNA family shuffling"  
15 Nature Biotechnology 17:259-264; Crameriet al. (1998) "DNA shuffling of a family  
of genes from diverse species accelerates directed evolution" Nature 391:288-291;  
30 Crameri et al. (1997) "Molecular evolution of an arsenate detoxification pathway by  
DNA shuffling," Nature Biotechnology 15:436-438; Zhang et al. (1997) "Directed  
evolution of an effective fucosidase from a galactosidase by DNA shuffling and  
20 screening" Proceedings of the National Academy of Sciences, U.S.A. 94:4504-4509;  
35 Patten et al. (1997) "Applications of DNA Shuffling to Pharmaceuticals and  
Vaccines" Current Opinion in Biotechnology 8:724-733; Crameri et al. (1996)  
"Construction and evolution of antibody-phage libraries by DNA shuffling" Nature  
40 Medicine 2:100-103; Crameri et al. (1996) "Improved green fluorescent protein by  
molecular evolution using DNA shuffling" Nature Biotechnology 14:315-319; Gates  
et al. (1996) "Affinity selective isolation of ligands from peptide libraries through  
45 display on a lac repressor 'headpiece dimer'" Journal of Molecular Biology 255:373-  
386; Stemmer (1996) "Sexual PCR and Assembly PCR" In: The Encyclopedia of  
30 Molecular Biology. VCH Publishers, New York. pp.447-457; Crameri and Stemmer  
(1995) "Combinatorial multiple cassette mutagenesis creates all the permutations of  
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5 mutant and wildtype cassettes" BioTechniques 18:194-195; Stemmer et al., (1995)  
"Single-step assembly of a gene and entire plasmid form large numbers of  
oligodeoxyribonucleotides" Gene, 164:49-53; Stemmer (1995) "The Evolution of  
10 Molecular Computation" Science 270: 1510; Stemmer (1995) "Searching Sequence  
5 Space" Bio/Technology 13:549-553; Stemmer (1994) "Rapid evolution of a protein in  
vitro by DNA shuffling" Nature 370:389-391; and Stemmer (1994) "DNA shuffling  
by random fragmentation and reassembly: In vitro recombination for molecular  
15 evolution." Proceedings of the National Academy of Sciences, U.S.A. 91:10747-  
10751.

10 Additional details regarding DNA shuffling methods are found in U.S.  
20 Patents by the inventors and their co-workers, including: United States Patent  
5,605,793 to Stemmer (February 25, 1997), "METHODS FOR IN VITRO  
RECOMBINATION;" United States Patent 5,811,238 to Stemmer et al. (September  
22, 1998) "METHODS FOR GENERATING POLYNUCLEOTIDES HAVING  
25 DESIRED CHARACTERISTICS BY ITERATIVE SELECTION AND  
15 RECOMBINATION;" United States Patent 5,830,721 to Stemmer et al. (November  
3, 1998), "DNA MUTAGENESIS BY RANDOM FRAGMENTATION AND  
30 REASSEMBLY;" United States Patent 5,834,252 to Stemmer, et al. (November 10,  
1998) "END-COMPLEMENTARY POLYMERASE REACTION," and United  
20 States Patent 5,837,458 to Minshull, et al. (November 17, 1998), "METHODS AND  
COMPOSITIONS FOR CELLULAR AND METABOLIC ENGINEERING."

35 In addition, details and formats for DNA shuffling are found in a  
variety of PCT and foreign patent application publications, including: Stemmer and  
Crameri, "DNA MUTAGENESIS BY RANDOM FRAGMENTATION AND  
40 REASSEMBLY" WO 95/22625; Stemmer and Lipschutz "END COMPLEMENTARY  
25 POLYMERASE CHAIN REACTION" WO 96/33207; Stemmer and Crameri  
"METHODS FOR GENERATING POLYNUCLEOTIDES HAVING DESIRED  
CHARACTERISTICS BY ITERATIVE SELECTION AND RECOMBINATION"  
45 WO 97/0078; Minshul and Stemmer, "METHODS AND COMPOSITIONS FOR  
30 CELLULAR AND METABOLIC ENGINEERING" WO 97/35966; Punnonen et al.  
"TARGETING OF GENETIC VACCINE VECTORS" WO 99/41402; Punnonen et

5 al. "ANTIGEN LIBRARY IMMUNIZATION" WO 99/41383; Punnonen et al.  
"GENETIC VACCINE VECTOR ENGINEERING" WO 99/41369; Punnonen et al.  
10 OPTIMIZATION OF IMMUNOMODULATORY PROPERTIES OF GENETIC  
VACCINES WO 99/41368; Stemmer and Cramer, "DNA MUTAGENESIS BY  
5 RANDOM FRAGMENTATION AND REASSEMBLY" EP 0934999; Stemmer  
"EVOLVING CELLULAR DNA UPTAKE BY RECURSIVE SEQUENCE  
15 RECOMBINATION" EP 0932670; Stemmer et al., "MODIFICATION OF VIRUS  
TROPISM AND HOST RANGE BY VIRAL GENOME SHUFFLING" WO  
9923107; Apt et al., "HUMAN PAPILLOMAVIRUS VECTORS" WO 9921979; Del  
20 Cardayre et al. "EVOLUTION OF WHOLE CELLS AND ORGANISMS BY  
RECURSIVE SEQUENCE RECOMBINATION" WO 9831837; Patten and Stemmer,  
"METHODS AND COMPOSITIONS FOR POLYPEPTIDE ENGINEERING" WO  
9827230; Stemmer et al., and "METHODS FOR OPTIMIZATION OF GENE  
25 THERAPY BY RECURSIVE SEQUENCE SHUFFLING AND SELECTION"  
15 WO9813487.

Certain U.S. Applications provide additional details regarding DNA  
shuffling and related techniques, including "SHUFFLING OF CODON ALTERED  
30 GENES" by Patten et al. filed September 29, 1998, (USSN 60/102,362), January 29,  
1999 (USSN 60/117,729), and September 28, 1999, USSN09/407,800 (Attorney  
20 Docket Number 20-28520US/PCT); "EVOLUTION OF WHOLE CELLS AND  
ORGANISMS BY RECURSIVE SEQUENCE RECOMBINATION", by del Cardyre  
35 et al. filed July 15, 1998 (USSN 09/166,188), and July 15, 1999 (USSN 09/354,922);  
"OLIGONUCLEOTIDE MEDIATED NUCLEIC ACID RECOMBINATION" by  
Cramer et al., filed February 5, 1999 (USSN 60/118,813) and filed June 24, 1999  
40 (USSN 60/141,049) and filed September 28, 1999 (USSN 09/408,392, Attorney  
25 Docket Number 02-29620US); and "USE OF CODON-BASED  
OLIGONUCLEOTIDE SYNTHESIS FOR SYNTHETIC SHUFFLING" by Welch et  
45 al., filed September 28, 1999 (USSN 09/408,393, Attorney Docket Number 02-  
010070US); and "METHODS FOR MAKING CHARACTER STRINGS,  
30 POLYNUCLEOTIDES & POLYPEPTIDES HAVING DESIRED  
CHARACTERISTICS" by Selifonov and Stemmer, filed February 5, 1999 (USSN  
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60/118854) and "METHODS FOR MAKING CHARACTER STRINGS,  
POLYNUCLEOTIDES & POLYPEPTIDES HAVING DESIRED  
10 CHARACTERISTICS" by Selifonov et al. filed October 12, 1999 (USSN  
09/416375).

5 As review of the foregoing publications, patents, published  
applications and U.S. patent applications reveals, recursive recombination and  
15 selection of nucleic acids to provide new nucleic acids with desired properties can be  
carried out by a number of established methods. Any of these methods can be  
adapted to the present invention to evolve PEPC coding nucleic acids or homologues  
20 to produce new enzymes with improved properties. Both the methods of making such  
enzymes and the enzymes or enzyme coding libraries produced by these methods are  
a feature of the invention.

In brief, at least 5 different general classes of recombination methods  
25 are applicable to the present invention. First, nucleic acids can be recombined in vitro  
15 by any of a variety of techniques discussed in the references above, including e.g.,  
DNase digestion of nucleic acids to be recombined followed by ligation and/or PCR  
reassembly of the nucleic acids. Second, nucleic acids can be recursively recombined  
30 in vivo, e.g., by allowing recombination to occur between nucleic acids in cells.  
Third, whole cell genome recombination methods can be used in which whole  
20 genomes of cells are recombined, optionally including spiking of the genomic or  
chloroplast recombination mixtures with desired library components such as PEPC  
35 encoding nucleic acids. Fourth, synthetic recombination methods can be used, in  
which oligonucleotides corresponding to different PEPC homologues are synthesized  
and reassembled in PCR or ligation reactions which include oligonucleotides which  
40 correspond to more than one parental nucleic acid, thereby generating new  
25 recombined nucleic acids. Oligonucleotides can be made by standard nucleotide  
addition methods, or can be made, e.g., by tri-nucleotide synthetic approaches. Fifth,  
45 in silico methods of recombination can be effected in which genetic algorithms are  
used in a computer to recombine sequence strings which correspond to PEPC  
30 homologues. The resulting recombined sequence strings are optionally converted into  
nucleic acids by synthesis of nucleic acids which correspond to the recombined  
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5 sequences, e.g., in concert with oligonucleotide synthesis/ gene reassembly techniques. Any of the preceding general recombination formats can be practiced in a reiterative fashion to generate a more diverse set of recombinant nucleic acids.

10 The above references provide these and other basic recombination formats as well as many modifications of these formats. Regardless of the format which is used, the nucleic acids of the invention can be recombined (with each other or with related (or even unrelated) nucleic acids to produce a diverse set of recombinant nucleic acids, including homologous nucleic acids.

15 Following recombination, any nucleic acids which are produced can be selected for a desired activity. A variety of related (or even unrelated) properties can be assayed for, using any available assay.

20 A basic format of the method, termed sequence shuffling (or simply "shuffling"), in broad application, consists of a method for generating a selected polynucleotide sequence or population of selected polynucleotide sequences, typically in the form of amplified and/or cloned polynucleotides, whereby the selected polynucleotide sequence(s) possess or encode a desired phenotypic characteristic (e.g., encode a polypeptide, promote transcription of linked polynucleotides, modify transformation efficiency, bind a protein, and the like) which can be selected for. One method of identifying polypeptides that possess a desired structure or functional property, such as encoding a desired enzymatic function(s) (e.g., an enhanced PEPC, a herbicide catabolizing enzyme, an optimized plant biosynthetic pathway), involves the screening of a large library of polynucleotides for individual library members which possess or encode the desired structure or functional property conferred by the polynucleotide sequence.

25 In a general aspect, the invention provides a method, termed "sequence shuffling", for generating libraries of recombinant polynucleotides having a desired PEPC enzyme characteristic which can be selected or screened for. Libraries of recombinant polynucleotides are generated from a population of related-sequence polynucleotides which comprise sequence regions which have substantial sequence identity and can be homologously recombined in vitro or in vivo. In the method, at least two species of the related-sequence polynucleotides are combined in a

5 recombination system suitable for generating sequence-recombined polynucleotides,  
wherein said sequence-recombined polynucleotides comprise a portion of at least one  
10 first species of a related-sequence polynucleotide with at least one adjacent portion of  
at least one second species of a related-sequence polynucleotide. Recombination  
5 systems suitable for generating sequence-recombined polynucleotides can be either:  
(1) in vitro systems for homologous recombination or sequence shuffling via  
15 amplification or other formats described herein, or (2) in vivo systems for  
homologous recombination or site-specific recombination as described herein. The  
population of sequence-recombined polynucleotides comprises a subpopulation of  
10 polynucleotides which possess desired or advantageous characteristics and which can  
be selected by a suitable selection or screening method. The selected sequence-  
20 recombined polynucleotides, which are typically related-sequence polynucleotides,  
can then be subjected to at least one recursive cycle wherein at least one selected  
sequence-recombined polynucleotide is combined with at least one distinct species of  
25 related-sequence polynucleotide (which may itself be a selected sequence-recombined  
polynucleotide) in a recombination system suitable for generating sequence-  
30 recombined polynucleotide sequences are generated from the selected sequence-  
recombined polynucleotides obtained by the selection or screening method employed.  
20 In this manner, recursive sequence recombination generates library members which  
are sequence-recombined polynucleotides possessing desired characteristics. Such  
35 characteristics can be any property or attribute capable of being selected for or  
detected in a screening system, and may include properties of: an encoded protein, a  
transcriptional element, a sequence controlling transcription, RNA processing, RNA  
40 25 stability, chromatin conformation, translation, or other expression property of a gene  
or transgene, a replicative element, a protein-binding element, or the like, such as any  
feature which confers a selectable or detectable property.

45 Nucleic acid sequence shuffling is a method for recursive *in vitro* or *in*  
*vivo* homologous or nonhomologous recombination of pools of nucleic acid fragments  
30 or polynucleotides (e.g., genes from agricultural organisms or portions thereof).  
Mixtures of related nucleic acid sequences or polynucleotides are randomly or pseudo

5 randomly fragmented, and reassembled to yield a library or mixed population of recombinant nucleic acid molecules or polynucleotides.

10 The present invention is directed to a method for generating a selected polynucleotide sequence (e.g., a plant PEPC gene or microbe PEPC gene, or combinations thereof) or population of selected polynucleotide sequences, typically in  
5 the form of amplified and/or cloned polynucleotides, whereby the selected polynucleotide sequence(s) possess a desired phenotypic characteristic of PEPC enzymes which can be selected for, and whereby the selected polynucleotide sequences are genetic sequences having a desired functionality and/or conferring a  
15 desired phenotypic property to an agricultural organism in which the polynucleotide has been transferred into.

20 In a general aspect, the invention provides a method, called "sequence shuffling", for generating libraries of recombinant polynucleotides having a subpopulation of library members which encode an enhanced or improved PEPC  
25 protein. Libraries of recombinant polynucleotides are generated from a population of related-sequence PEPC polynucleotides which comprise sequence regions which have substantial sequence identity and can be homologously recombined in vitro or in vivo.  
30 In the method, at least two species of the related-sequence PEPC polynucleotides are combined in a recombination system suitable for generating sequence-recombined polynucleotides, wherein said sequence-recombined polynucleotides comprise a  
35 portion of at least one first species of a related-sequence PEPC polynucleotide with at least one adjacent portion of at least one second species of a related-sequence PEPC polynucleotide. Recombination systems suitable for generating sequence-recombined polynucleotides can be either: (1) in vitro systems for homologous recombination or  
40 sequence shuffling via amplification or other formats described herein, or (2) in vivo systems for homologous recombination or site-specific recombination as described herein, or template-switching of a retroviral genome replication event. The  
45 population of sequence-recombined polynucleotides comprises a subpopulation of PEPC polynucleotides which possess desired or advantageous enzymatic characteristics and which can be selected by a suitable selection or screening method.  
50 The selected sequence-recombined PEPC polynucleotides, which are typically

5 related-sequence polynucleotides, can then be subjected to at least one recursive cycle wherein at least one selected sequence-recombined PEPC polynucleotide is combined  
10 with at least one distinct species of related-sequence PEPC polynucleotide (which may itself be a selected sequence-recombined polynucleotide) in a recombination  
5 system suitable for generating sequence-recombined PEPC polynucleotides, such that additional generations of sequence-recombined polynucleotide sequences are  
15 generated from the selected sequence-recombined polynucleotides obtained by the selection or screening method employed. In this manner, recursive sequence recombination generates library members which are sequence-recombined  
10 polynucleotides possessing desired PEPC enzymatic characteristics. Such  
20 characteristics can be any property or attribute capable of being selected for or detected in a screening system.

Screening/selection produces a subpopulation of genetic sequences (or  
25 cells) expressing recombinant forms of PEPC gene(s) that have evolved toward acquisition of a desired enzymatic property. These recombinant forms can then be  
15 subjected to further rounds of recombination and screening/selection in any order. For example, a second round of screening/selection can be performed analogous to  
30 the first resulting in greater enrichment for genes having evolved toward acquisition of the desired enzymatic property. Optionally, the stringency of selection can be  
20 increased between rounds (e.g., if selecting for drug resistance, the concentration of drug in the media can be increased). Further rounds of recombination can also be  
35 performed by an analogous strategy to the first round generating further recombinant forms of the gene(s) or genome(s). Alternatively, further rounds of recombination can be performed by any of the other molecular breeding formats discussed.  
40 25 Eventually, a recombinant form of the PEPC gene(s) is generated that has fully acquired the desired enzymatic property.

In an embodiment, the first plurality of selected library members is  
45 fragmented and homologously recombined by PCR *in vitro*. Fragment generation is by nuclease digestion, partial extension PCR amplification, PCR stuttering, or other  
30 suitable fragmenting means, such as described herein and in WO95/22625 published 24 August 1995, and in commonly owned U.S.S.N. U.S.S.N. 08/621,859 filed 25

5 March 1996, PCT/US96/05480 filed 18 April 1996, which are incorporated herein by  
reference). Stuttering is fragmentation by incomplete polymerase extension of  
10 templates. A recombination format based on very short PCR extension times can be  
employed to create partial PCR products, which continue to extend off a different  
5 template in the next (and subsequent) cycle(s), and effect de facto fragmentation.  
Template-switching and other formats which accomplish sequence shuffling between  
15 a plurality of sequence-related polynucleotides can be used. Such alternative formats  
will be apparent to those skilled in the art.

10 In an embodiment, the first plurality of selected library members is  
fragmented in vitro, the resultant fragments transferred into a host cell or organism  
20 and homologously recombined to form shuffled library members in vivo.

15 In an embodiment, the first plurality of selected library members is  
cloned or amplified on episomally replicable vectors, a multiplicity of said vectors is  
25 transferred into a cell and homologously recombined to form shuffled library  
members in vivo.

20 In an embodiment, the first plurality of selected library members is not  
fragmented, but is cloned or amplified on an episomally replicable vector as a direct  
30 repeat or indirect (or inverted) repeat, which each repeat comprising a distinct species  
of selected library member sequence, said vector is transferred into a cell and  
20 homologously recombined by intra-vector or inter-vector recombination to form  
35 shuffled library members in vivo.

35 In an embodiment, combinations of in vitro and in vivo shuffling are  
provided to enhance combinatorial diversity. The recombination cycles (in vitro or in  
40 vivo) can be performed in any order desired by the practitioner.

40 25 In one embodiment, the first plurality of selected library members is  
fragmented and homologously recombined by PCR in vitro. Fragment generation is  
by nuclease digestion, partial extension PCR amplification, PCR stuttering, or other  
45 suitable fragmenting means, such as described herein and in the documents  
incorporated herein by reference. Stuttering is fragmentation by incomplete  
30 polymerase extension of templates.

5 In one embodiment, the first plurality of selected library members is  
fragmented in vitro, the resultant fragments transferred into a host cell or organism  
and homologously recombined to form shuffled library members in vivo. In an  
10 aspect, the host cell is a plant cell which has been engineered to contain enhanced  
5 recombination systems, such as an enhanced system for general homologous  
recombination (e.g., a plant expressing a recA protein or a plant recombinase from a  
transgene or plant virus) or a site-specific recombination system (e.g., a cre/LOX or  
15 frt/FLP system encoded on a transgene or plant virus).

In one embodiment, the first plurality of selected library members is  
10 cloned or amplified on episomally replicable vectors, a multiplicity of said vectors is  
transferred into a cell and homologously recombined to form shuffled library  
20 members in vivo in a plant cell, algae cell, or bacterial cell. Other cell types may be  
used, if desired.

In one embodiment, the first plurality of selected library members is  
25 not fragmented, but is cloned or amplified on an episomally replicable vector as a  
15 direct repeat or indirect (or inverted) repeat, which each repeat comprising a distinct  
species of selected library member sequence, said vector is transferred into a cell and  
homologously recombined by intra-vector or inter-vector recombination to form  
30 shuffled library members in vivo in a plant cell, algae cell, or microorganism.

20 In an embodiment, combinations of in vitro and in vivo shuffling are  
provided to enhance combinatorial diversity.

35 At least two additional related specific formats are useful in the  
practice of the present invention. The first, referred to as "in silico" shuffling utilizes  
computer algorithms to perform "virtual" shuffling using genetic operators in a  
40 25 computer. As applied to the present invention, PEPC sequence strings are  
recombined in a computer system and desirable products are made, e.g., by  
reassembly PCR or ligation of synthetic oligonucleotides, or other available  
45 techniques. In silico shuffling is described in detail in Selifonov and Stemmer in  
"METHODS FOR MAKING CHARACTER STRINGS, POLYNUCLEOTIDES &  
30 POLYPEPTIDES HAVING DESIRED CHARACTERISTICS" filed 02/05/1999,  
USSN 60/118854 and "METHODS FOR MAKING CHARACTER STRINGS,

## POLYNUCLEOTIDES &amp; POLYPEPTIDES HAVING DESIRED

CHARACTERISTICS" by Selifonov et al. filed October 12, 1999 (USSN

09/416375). In brief, genetic operators (algorithms which represent given genetic events such as point mutations, recombination of two strands of homologous nucleic acids, etc.) are used to model recombinational or mutational events which can occur in one or more nucleic acid, e.g., by aligning nucleic acid sequence strings (using standard alignment software, or by manual inspection and alignment) and predicting recombinational outcomes based upon selected genetic algorithms (mutation, recombination, etc.). The predicted recombinational outcomes are used to produce corresponding molecules, e.g., by oligonucleotide synthesis and reassembly PCR. As applied to the present invention, PEPC nucleic acids are aligned and recombined in silico, using any desired genetic operator, to produce character strings which are then generated synthetically for subsequent screening.

The second useful format is referred to as "oligonucleotide mediated shuffling" in which oligonucleotides corresponding to a family of related homologous nucleic acids (e.g., as applied to the present invention, families of PEPC variants) which are recombined to produce selectable nucleic acids. This format is described in detail in Crameri et al. "OLIGONUCLEOTIDE MEDIATED NUCLEIC ACID RECOMBINATION" filed February 5, 1999, USSN 60/118,813, Crameri et al. "OLIGONUCLEOTIDE MEDIATED NUCLEIC ACID RECOMBINATION" filed June 24, 1999, USSN 60/141,049; Crameri et al. "OLIGONUCLEOTIDE MEDIATED NUCLEIC ACID RECOMBINATION" filed September 28, 1999 (USSN 09/408,392, Attorney Docket Number 02-29620US); and "USE OF CODON-BASED OLIGONUCLEOTIDE SYNTHESIS FOR SYNTHETIC SHUFFLING" by Welch et al., filed September 28, 1999 (USSN 09/408,393, Attorney Docket Number 02-010070US). In brief, selected oligonucleotides corresponding to multiple homologous parental nucleic acids are synthesized, ligated and elongated (typically in a recursive format), typically either in a polymerase or ligase-mediated elongation reaction, to produce full-length PEPC nucleic acids. The technique can be used to recombine homologous or even non-homologous PEPC nucleic acid sequences.

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One advantage of oligonucleotide-mediated recombination is the ability to recombine homologous nucleic acids with low sequence similarity, or even non-homologous nucleic acids. In these low-homology oligonucleotide shuffling methods, one or more set of fragmented nucleic acids (e.g., oligonucleotides corresponding to multiple PEPC nucleic acids) are recombined, e.g., with a set of crossover family diversity oligonucleotides. Each of these crossover oligonucleotides have a plurality of sequence diversity domains corresponding to a plurality of sequence diversity domains from homologous or non-homologous nucleic acids with low sequence similarity. The fragmented oligonucleotides, which are derived by comparison to one or more homologous or non-homologous nucleic acids, can hybridize to one or more region of the crossover oligos, facilitating recombination.

When recombining homologous nucleic acids, sets of overlapping family gene shuffling oligonucleotides (which are derived by comparison of homologous nucleic acids, by synthesis of corresponding oligonucleotides) are hybridized and elongated (e.g., by reassembly PCR or ligation), providing a population of recombined nucleic acids, which can be selected for a desired trait or property. The set of overlapping family shuffling gene oligonucleotides includes a plurality of oligonucleotide member types which have consensus region subsequences derived from a plurality of homologous target nucleic acids.

Typically, as applied to the present invention, family gene shuffling oligonucleotides which include one or more PEPC nucleic acid(s) are provided by aligning homologous nucleic acid sequences to select conserved regions of sequence identity and regions of sequence diversity. A plurality of family gene shuffling oligonucleotides are synthesized (serially or in parallel) which correspond to at least one region of sequence diversity.

Sets of fragments, or subsets of fragments used in oligonucleotide shuffling approaches can be provided by cleaving one or more homologous nucleic acids (e.g., with a DNASE), or, more commonly, by synthesizing a set of oligonucleotides corresponding to a plurality of regions of at least one nucleic acid (typically oligonucleotides corresponding to a full-length nucleic acid are provided as members of a set of nucleic acid fragments). In the shuffling procedures herein, these

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5 cleavage fragments can be used in conjunction with family gene shuffling  
oligonucleotides, e.g., in one or more recombination reaction to produce recombinant  
10 PEPC nucleic acid(s).

One final synthetic variant worth noting is found in "SHUFFLING OF  
5 CODON ALTERED GENES" by Patten et al. filed September 29, 1998, (USSN  
60/102,362), January 29, 1999 (USSN 60/117,729), and September 28, 1999,  
15 PCT/US99/22588 (Attorney Docket Number 20-28520US/PCT). As noted in detail  
in this set of related applications, one way of generating diversity in a set of nucleic  
acids to be shuffled (i.e., as applied to the present invention, PEPC nucleic acids), is  
20 to provide codon-altered nucleic acids which can be shuffled to provide access to  
sequence space not present in naturally occurring sequences. In brief, by synthesizing  
nucleic acids in which the codons which encode polypeptides are altered, it is  
possible to access a completely different mutational spectrum upon subsequent  
25 mutation of the nucleic acid. This increases the sequence diversity of the starting  
nucleic acids for shuffling protocols, which alters the rate and results of forced  
15 evolution procedures. Codon modification procedures can be used to modify any  
PEPC nucleic acid or shuffled nucleic acid, e.g., prior to performing DNA shuffling.

30 In brief, oligonucleotide sets comprising codon variations are  
synthesized and reassembled into full-length nucleic acids. The full length nucleic  
20 acids can themselves be shuffled (e.g., where the oligonucleotides to be reassembled  
provide sequence diversity at selected sites), and/or the full-length sequences can be  
35 shuffled by any available procedure to produce diverse sets of PEPC nucleic acids.

#### Improved Plants

Without reciting the various generalized formats of polynucleotide  
40 25 sequence shuffling and selection described previously or herein below, which will be  
referred to herein by the shorthand "shuffling", the present invention provides  
methods, compositions, and uses related to creating novel or improved plants, plant  
45 cells, algal cells, soil microbes, plant pathogens, commensal microbes, or other plant-  
related organisms having art-recognized importance to the agricultural, horticultural,  
30 and argonomic areas (collectively, "agricultural organisms"). In particular, any plant,

plant cell, algal cell, etc. can be transduced with a shuffled nucleic acid produced according to the present invention.

For example, agronomically and horticulturally important plant species can be transduced. Such species include, but are not restricted to, members of the families: *Graminae* (including corn, rye, triticale, barley, millet, rice, wheat, oats, etc.); *Leguminosae* (including pea, beans, lentil, peanut, yam bean, cowpeas, velvet beans, soybean, clover, alfalfa, lupine, vetch, lotus, sweet clover, wisteria, and sweetpea); *Compositae* (the largest family of vascular plants, including at least 1,000 genera, including important commercial crops such as sunflower) and *Rosaciae* (including raspberry, apricot, almond, peach, rose, etc.), as well as nut plants (including, walnut, pecan, hazelnut, etc.) Additionally, preferred targets for modification the evolved vectors of the invention, as well as those specified above, plants from the genera: *Agrostis*, *Allium*, *Antirrhinum*, *Apium*, *Arachis*, *Asparagus*, *Atropa*, *Avena* (e.g., oats), *Bambusa*, *Brassica*, *Bromus*, *Browaalia*, *Camellia*, *Cannabis*, *Capsicum*, *Cicer*, *Chenopodium*, *Chichorium*, *Citrus*, *Coffea*, *Coix*, *Cucumis*, *Curcubita*, *Cynodon*, *Dactylis*, *Datura*, *Daucus*, *Digitalis*, *Dioscorea*, *Elaeis*, *Eleusine*, *Festuca*, *Fragaria*, *Geranium*, *Glycine*, *Helianthus*, *Heterocallis*, *Hevea*, *Hordeum* (e.g., barley), *Hyoscyamus*, *Ipomoea*, *Lactuca*, *Lens*, *Lilium*, *Linum*, *Lolium*, *Lotus*, *Lycopersicon*, *Majorana*, *Malus*, *Mangifera*, *Manihot*, *Medicago*, *Nemesia*, *Nicotiana*, *Onobrychis*, *Oryza* (e.g., rice), *Panicum*, *Pelargonium*, *Pennisetum* (e.g., millet), *Petunia*, *Pisum*, *Phaseolus*, *Phleum*, *Poa*, *Prunus*, *Ranunculus*, *Raphanus*, *Ribes*, *Ricinus*, *Rubus*, *Saccharum*, *Salpiglossis*, *Secale* (e.g., rye), *Senecio*, *Setaria*, *Sinapis*, *Solanum*, *Sorghum*, *Stenotaphrum*, *Theobroma*, *Trifolium*, *Trigonella*, *Triticum* (e.g., wheat), *Vicia*, *Vigna*, *Vitis*, *Zea* (e.g., corn), the *Olyreae*, the *Pharoideae* and many others.

For example, common crop plants which are targets of the present invention include corn, rice, triticale, rye, cotton, soybean, sorghum, wheat, oats, barley, millet, sunflower, canola, peas, beans, lentils, peanuts, yam beans, cowpeas, velvet beans, clover, alfalfa, lupine, vetch, lotus, sweet clover, wisteria, sweetpea and nut plants (e.g., walnut, pecan, etc).

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In certain variations, naturally occurring in vivo recombination mechanisms of plants, agricultural microorganisms, or vector-host cells for intermediate replication can be used in conjunction with a collection of shuffled polynucleotide sequence variants having a desired phenotypic property to be optimized further; in this way, a natural recombination mechanism can be combined with intelligent selection of variants in an iterative manner to produce optimized variants by "forced evolution", wherein the forced evolved variants are not expected to, nor are observed to, occur in nature, nor are predicted to occur at an appreciable frequency. The practitioner may further elect to supplement and/or the mutational drift by introducing intentionally mutated polynucleotide species suitable for shuffling, or portions thereof, into the pool of initial polynucleotide species and/or into the plurality of selected, shuffled polynucleotide species which are to be recombined. Mutational drift may also be supplemented by the use of mutagens (e.g., chemical mutagens or mutagenic irradiation), or by employing replication conditions which enhance the mutation rate.

#### Forced Evolution of Genes

The invention provides a means to evolve PEPC gene variants and/or suitable host cells, as well as providing a model system for evaluating a library of agents to identify candidate agents that could find use as agricultural reagents for commercial applications. Such agents may exhibit selectivity for inhibition of a naturally occurring PEPC enzyme and may be substantially less effective at inhibiting a shuffled PEPC enzyme which has been evolved to be resistant to the agent.

#### PEPC Shuffling Combinations

Although the skilled artisan may select alternative shuffling strategies for enhancing PEPC enzyme properties, the following general combinations can be used:

1. Shuffling a PEPC gene from a first species of bacteria with a PEPC gene from a second species of bacteria. The resultant shufflants may be transformed into bacterial host cells which preferably lack endogenous PEPC activity, algal cells, or plant cells for expression and selection. Phenotype selection of shufflants is typically performed by biochemical assay for PEPC, such as according to Gonzalez et al.

(1984) *J. Plant Physiol.* **116**: 425; Devi et al. (1992) *J. Plant Biochem. Biotech.* **1**: 73; Pairoba et al. (1996) *Biosci. Biotech. Biochem.* **60**: 779; Salahas and Gavalas (1997) *Photosynthetica* **33**: 189; or other suitable assay method selected by the artisan, or the like. Example bacteria for obtaining the PEPC gene(s) include *Rhodobacter sphaeroides*, *Rhodospirillum rubrum*, *Escherichia coli*, *Salmonella typhimurium*, and the like. A preferred host cell is a strain of bacterium that is transformable and which lacks PEPC activity.

II. *Shuffling a parental plant PEPC encoding sequence with mutagenized variants thereof.* The resultant shufflants may be transformed into bacterial host cells which preferably lack endogenous plant-type PEPC activity (e.g., *E. coli*), algal cells, or plant cells for expression and selection. Phenotype selection of shufflants is typically performed by biochemical assay for PEPC activity or other suitable assay method selected by the artisan.

III. *Shuffling a PEPC from a first species of plant with a PEPC from a non-plant algae or bacterium, cyanobacteria.* The resultant shufflants may be transformed into host cells which preferably lack endogenous plant-type PEPC activity (e.g., *E. coli*), algal cells, or plant cells for expression and selection. Phenotype selection of shufflants is typically performed by biochemical assay for PEPC or other suitable assay method selected by the artisan. Example bacteria for the PEPC gene(s) include *Rhodobacter sphaeroides* (Falcone et al. (1998) *J. Bact.* **170**: 5), *Rhodospirillum rubrum* (Falcone and Tabita (1993) *J. Bact.* **175**: 5066; Falcone et al. (1991) *J. Bact.* **173**: 2099), *Escherichia coli*, *Salmonella typhimurium*, and the like. Example cyanobacteria that can serve as a source of PEPC genes include *Synechococcus Coccochloris peniocystis*, and *Aphanizomenon flos-aquae*. Example green algae that can serve as sources of PEPC genes include *Euglena gracilis*, *Chlamadomonas reinhardtii*, and *Anacystis nidulans*. Example plants that can serve as sources for the PEPC genes include corn, rice, maize, potato, wheat, rye, flax, cotton, pea, and the like.

IV. *Shuffling a plant PEPC from a first plant taxonomic species with a plant PEPC from a second plant taxonomic species.* The resultant shufflants may be transformed into host cells, which can preferably lack endogenous PEPC activity,

5 but which fold and process higher plant PEPC correctly for expression and selection. Phenotype selection of shufflants is typically performed by biochemical assay for  
10 PEPC or other suitable assay method selected by the artisan. Example higher plants that can serve as a source of PEPC genes include, but are not limited to: *Zea mays* (C4), *Amaranthus hybridus* (C4), *Glycine max* (C3), and *Nicotiana tabacum* (C3),  
5 among others.

15 V. *Shuffling a PEPC from a higher plant with mutagenized variants thereof.* A PEPC gene ("parental gene") from a species of C3 or C4 plant is subjected to mutagenesis and shuffling/selection to generate a population of  
20 mutagenized shufflants which have substantial sequence identity to the parental gene. The population of mutagenized shufflants is transferred into a population of host cells wherein the mutagenized shufflants are expressed and the resultant transformed host  
25 cell population is selected or screened for an enhanced PEPC phenotype. Phenotype selection of shufflants is typically performed by biochemical assay for PEPC activity or other suitable assay method selected by the artisan.  
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#### Transcriptional Regulatory Sequences

30 Suitable transcriptional regulatory sequences include: cauliflower mosaic virus 19S and 35S promoters, NOS promoter, OCS promoter, rbcS promoter, *Brassica* heat shock promoter, synthetic promoters, non-plant promoters modified, if  
20 necessary, for function in plant cells, substantially any promoter that naturally occurs in a plant genome, promoters of plant viruses or Ti plasmids, tissue-preferential  
35 promoters or cis-acting elements, light-responsive promoters or cis-acting elements (e.g., rbcS LRE), hormone-responsive cis-acting elements, developmental stage-specific promoters and cis-acting elements, viral promoters (e.g., from Tobacco  
40 Mosaic virus, Brome Mosaic Virus, Cauliflower Mosaic virus, and the like), and the like. In a variation, a transcriptional regulatory sequence from a first plant species is optimized for functionality in a second plant species by application of recursive  
45 sequence shuffling.

30 Transcriptional regulatory sequences for expression of shuffled PEPC sequences in chloroplasts is known in the art (Daniell et al. (1998) op.cit; O'Neill et

5 al. (1993) The Plant Journal 3: 729; Maliga P (1993) op.cit), as are homologous  
10 recombination vectors.

#### Host Cells for Screening PEPC Gene Shufflants

10 A variety of suitable host cells will be apparent to those skilled in the  
5 art. Of particular note, PEPC gene shufflants can be expressed in *E. coli*, as well as  
higher taxonomic host cells. However, PEPC from higher plants may not always be  
15 processed correctly in bacterial host cells, so higher plant PEPC gene shufflants may  
often be expressed for phenotype screening in plant cells, including mutant plant cell  
20 lines wherein an endogenous PEPC encoding gene has been functionally inactivated,  
preferably in homozygous format, to provide a plant cell substantially lacking  
endogenous PEPC activity, or the like.

#### Transformation

The transformation of plants and protoplasts in accordance with the  
invention may be carried out in essentially any of the various ways known to those  
25 skilled in the art of plant molecular biology. See, in general, Methods in Enzymology  
15 Vol. 153 ("Recombinant DNA Part D") 1987, Wu and Grossman Eds., Academic  
Press, incorporated herein by reference. Additional useful general references for  
plant cell cloning, culture and regeneration include Jones (ed) (1995) Plant Gene  
30 Transfer and Expression Protocols-- Methods in Molecular Biology, Volume 49  
Humana Press Towata NJ; Payne et al. (1992) Plant Cell and Tissue Culture in Liquid  
20 Systems John Wiley & Sons, Inc. New York, NY (Payne); and Gamborg and Phillips  
(eds) (1995) Plant Cell, Tissue and Organ Culture: Fundamental Methods Springer  
35 Lab Manual, Springer-Verlag (Berlin Heidelberg New York) (Gamborg). A variety  
of cell culture media are described in Atlas and Parks (eds) The Handbook of  
40 25 Microbiological Media (1993) CRC Press, Boca Raton, FL (Atlas). Additional  
information for plant cell culture is found in available commercial literature such as  
the Life Science Research Cell Culture Catalogue (1998) from Sigma- Aldrich, Inc  
(St Louis, MO) (Sigma-LSRCCC) and, e.g., the Plant Culture Catalogue and  
45 supplement (1997) also from Sigma-Aldrich, Inc (St Louis, MO) (Sigma-PCCS).  
30 Additional details regarding plant cell culture are found in Croy, (ed.) (1993) Plant  
Molecular Biology Bios Scientific Publishers, Oxford, U.K. General texts discussing

5 cloning and other techniques relevant to the present invention, in a variety of  
contexts, include: Berger and Kimmel, Guide to Molecular Cloning Techniques,  
10 Methods in Enzymology volume 152 Academic Press, Inc., San Diego, CA (Berger);  
Sambrook et al., Molecular Cloning - A Laboratory Manual (2nd Ed.), Vol. 1-3, Cold  
5 Spring Harbor Laboratory, Cold Spring Harbor, New York, 1989 ("Sambrook") and  
Current Protocols in Molecular Biology, F.M. Ausubel et al., eds., Current Protocols,  
15 a joint venture between Greene Publishing Associates, Inc. and John Wiley & Sons,  
Inc., (supplemented through 1999) ("Ausubel").

As used herein, the term transformation means alteration of the  
20 10 genotype of a host plant by the introduction of a nucleic acid sequence. The nucleic  
acid sequence need not necessarily originate from a different source, but it will, at  
some point, have been external to the cell into which it is to be introduced.

In one embodiment, the foreign nucleic acid is mechanically  
25 transferred by microinjection directly into plant cells by use of micropipettes.  
15 Alternatively, the foreign nucleic acid may be transferred into the plant cell by using  
polyethylene glycol. This forms a precipitation complex with the genetic material  
that is taken up by the cell (e.g., by incubation of protoplasts with "naked DNA" in  
30 the presence of polyethyleneglycol)(Paszkowski et al., (1984) EMBO J. 3:2717-22;  
Baker et al (1985) Plant Genetics, 201-211; Li et al. (1990) Plant Molecular Biology  
Report 8(4)276-291].

In another embodiment of this invention, the introduced gene may be  
35 introduced into the plant cells by electroporation (Fromm et al., (1985) "Expression of  
Genes Transferred into Monocot and Dicot Plant Cells by Electroporation," Proc.  
Natl Acad. Sci. USA 82:5824, which is incorporated herein by reference). In this  
40 25 technique, plant protoplasts are electroporated in the presence of plasmids or nucleic  
acids containing the relevant genetic construct. Electrical impulses of high field  
strength reversibly permeabilize biomembranes allowing the introduction of the  
45 plasmids. Electroporated plant protoplasts reform the cell wall, divide, and form a  
plant callus. Selection of the transformed plant cells with the transformed gene can  
30 be accomplished using phenotypic markers.

5 Cauliflower mosaic virus (CaMV) may also be used as a vector for  
introducing the foreign nucleic acid into plant cells (Hohn et al., (1982) "Molecular  
10 Biology of Plant Tumors," Academic Press, New York, pp.549-560; Howell, United  
States Patent No. 4,407,956). CaMV viral DNA genome is inserted into a parent  
5 bacterial plasmid creating a recombinant DNA molecule which can be propagated in  
bacteria. After cloning, the recombinant plasmid again may be cloned and further  
15 modified by introduction of the desired DNA sequence into the unique restriction site  
of the linker. The modified viral portion of the recombinant plasmid is then excised  
from the parent bacterial plasmid, and used to inoculate the plant cells or plants.

10 Another method of introduction of nucleic acid segments is high  
20 velocity ballistic penetration by small particles with the nucleic acid either within the  
matrix of small beads or particles, or on the surface (Klein et al., (1987) Nature  
327:70-73). Although typically only a single introduction of a new nucleic acid  
25 segment is required, this method particularly provides for multiple introductions.

15 A method of introducing the nucleic acid segments into plant cells is to  
infect a plant cell, an explant, a meristem or a seed with Agrobacterium tumefaciens  
transformed with the segment. Under appropriate conditions known in the art, the  
30 transformed plant cells are grown to form shoots, roots, and develop further into  
plants. The nucleic acid segments can be introduced into appropriate plant cells, for  
20 example, by means of the Ti plasmid of Agrobacterium tumefaciens. The Ti plasmid  
is transmitted to plant cells upon infection by Agrobacterium tumefaciens, and is  
35 stably integrated into the plant genome (Horsch et al., (1984) "Inheritance of  
Functional Foreign Genes in Plants," Science, 233:496-498; Fraley et al., (1983) Proc.  
Natl. Acad. Sci. USA 80:4803).

40 25 Ti plasmids contain two regions essential for the production of  
transformed cells. One of these, named transfer DNA (T DNA), induces tumor  
formation. The other, termed virulent region, is essential for the introduction of the T  
45 DNA into plants. The transfer DNA region, which transfers to the plant genome, can  
be increased in size by the insertion of the foreign nucleic acid sequence without its  
30 transferring ability being affected. By removing the tumor-causing genes so that they  
no longer interfere, the modified Ti plasmid can then be used as a vector for the



5 transfer of the gene constructs of the invention into an appropriate plant cell, such  
being a "disabled Ti vector."

10 All plant cells which can be transformed by Agrobacterium and whole  
plants regenerated from the transformed cells can also be transformed according to  
5 the invention so as to produce transformed whole plants which contain the transferred  
foreign nucleic acid sequence.

15 There are presently at least three different ways to transform plant cells  
with Agrobacterium: (1) co-cultivation of Agrobacterium with cultured isolated  
protoplasts; (2) transformation of cells or tissues with Agrobacterium, or (3)  
20 transformation of seeds, apices or meristems with Agrobacterium.

20 Method (1) uses an established culture system that allows culturing  
protoplasts and plant regeneration from cultured protoplasts.

25 Method (2) implies (a) that the plant cells or tissues can be  
transformed by Agrobacterium and (b) that the transformed cells or tissues can be  
15 induced to regenerate into whole plants.

30 Method (3) uses micropropagation. In the binary system, to have  
infection, two plasmids are needed: a T-DNA containing plasmid and a vir plasmid.  
Any one of a number of T-DNA containing plasmids can be used, the main issue  
being that one be able to select independently for each of the two plasmids.

20 After transformation of the plant cell or plant, those plant cells or  
plants transformed by the Ti plasmid so that the desired DNA segment is integrated  
35 can be selected by an appropriate phenotypic marker. These phenotypic markers  
include, but are not limited to, antibiotic resistance, herbicide resistance or visual  
observation. Other phenotypic markers are known in the art and may be used in this  
40 25 invention.

#### Protoplast Transformation

45 Numerous protocols for establishment of transformable protoplasts  
from a variety of plant types and subsequent transformation of the cultured  
protoplasts are available in the art and are incorporated herein by general reference.  
30 For examples, see Hashimoto et al. (1990) Plant Physiol. 93: 857; Plant Protoplasts,  
Fowke LC and Constabel F, eds., CRC Press (1994); Saunders et al. (1993)

Applications of Plant In Vitro Technology Symposium, UPM, 16-18 Nov. 1993; and Lyznik et al. (1991) BioTechniques 10: 295, each of which is incorporated herein by reference).

All plants from which protoplasts can be isolated and cultured to give whole regenerated plants can be transformed by the present invention so that whole plants are recovered which contain the transferred foreign gene. Some suitable plants include, for example, species from the genera Fragaria, Lotus, Medicago, Onobrychis, Trifolium, Trigonella, Vigna, Citrus, Linum, Geranium, Manihot, Daucus, Arabidopsis, Brassica, Raphanus, Sinapis, Atropa, Capsicum, Hyoscyamus, Lycopersicon, Nicotiana, Solanum, Petunia, Digitalis, Majorana, Ciohorium, Helianthus, Lactuca, Bromus, Asparagus, Antirrhinum, Hererocallis, Nemesia, Pelargonium, Panicum, Pennisetum, Ranunculus, Senecio, Salpiglossis, Cucumis, Browaalia, Glycine, Lolium, Zea, Triticum, Sorghum, and Datura.

It is known that practically all plants can be regenerated from cultured cells or tissues, including but not limited to all major cereal crop species, sugarcane, sugar beet, cotton, fruit and other trees, legumes and vegetables. Limited knowledge presently exists on whether all of these plants can be transformed by Agrobacterium. Species which are a natural plant host for Agrobacterium may be transformable in vitro. Although monocotyledonous plants, and in particular, cereals and grasses, are not natural hosts to Agrobacterium, work to transform them using Agrobacterium has also been successfully carried out by numerous investigators (Hooykas-Van Slogteren et al., (1984) Nature 311:763-764; Hemalsteens et al., (1984) EMBO J. 3:3039-41; Byteiber, et al. (1987) Proc. Natl. Acad. Sci. USA: 5345-5349; Graves and Goldman, (1986) Plant Mol. Biol 7: 43-50; Grimsley et al. (1988) Biochemistry 6: 185-189; WO 86/03776; Shimamoto et al. Nature (1989) 338: 274-276). Monocots may also be transformed by techniques or with vectors other than Agrobacterium. For example, monocots have been transformed by electroporation (Fromm et al. [1986] Nature 319:791-793; Rhodes et al. Science [1988] 240: 204-207), direct gene transfer (Baker et al. [1985] Plant Genetics 201-211), by using pollen-mediated vectors (EP 0 270 356), and by injection of DNA into floral tillers (de la Pena et al. [1987], Nature 325:274-276). Additional plant genera that may be transformed by Agrobacterium

5 include Chrysanthemum, Dianthus, Gerbera, Euphorbia, Pelargonium, Ipomoea,  
10 Passiflora, Cyclamen, Malus, Prunus, Rosa, Rubus, Populus, Santalum, Allium,  
Lilium, Narcissus, Ananas, Arachis, Phaseolus and Pisum.

#### 10 Chloroplast Transformation

5 In certain embodiments, it may be desirable for the PEPC enzyme to  
be present in chloroplasts, possibly in combination with the more conventional  
15 cytosolic expression. As the PEPC enzyme of higher plants is encoded in the nuclear  
genome, it may be expressed with a fused chloroplast transit sequence peptide (CTS)  
to facilitate translocation of the PEPC enzyme into chloroplasts, or it can be  
20 advantageous to transform the shufflant PEPC encoding sequences into chloroplasts if  
the host cells are derived from higher plants. Numerous methods are available in the  
art to accomplish the chloroplast transformation and expression (Daniell et al. (1998)  
op.cit; O'Neill et al. (1993) The Plant Journal 3: 729; Maliga P (1993) op.cit). The  
25 expression construct comprises a transcriptional regulatory sequence functional in  
plants operably linked to a polynucleotide encoding an enhanced PEPC protein. With  
15 respect to polynucleotide sequences encoding PEPC proteins, it may be desirable to  
express such encoding sequences in plastids, such as chloroplasts, for appropriate  
30 transcription, translation, and processing. With reference to expression cassettes  
which are designed to function in chloroplasts, such as an expression cassette  
20 encoding a PEPC in a higher plant, the expression cassette comprises the sequences  
necessary to ensure expression in chloroplasts - typically the encoding sequence is  
35 flanked by two regions of homology to the plastid genome so as to effect a  
homologous recombination with the chloroplastid genome; often a selectable marker  
gene is also present within the flanking plastid DNA sequences to facilitate selection  
40 of genetically stable transformed chloroplasts in the resultant transplastonic plant  
25 cells (see Maliga P (1993) TIBTECH 11: 101; Daniell et al. (1998) Nature  
Biotechnology 16: 346, and references cited therein).

#### 45 Recovery of Selected Polynucleotide Sequences

50 A variety of selection and screening methods will be apparent to those  
30 skilled in the art, and will depend upon the particular phenotypic properties that are  
desired. The selected shuffled genetic sequences can be recovered for further

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shuffling or for direct use by any applicable method, including but not limited to: recovery of DNA, RNA, or cDNA from cells (or PCR-amplified copies thereof) from cells or medium, recovery of sequences from host chromosomal DNA or PCR-amplified copies thereof, recovery of episome (e.g., expression vector) such as a plasmid, cosmid, viral vector, artificial chromosome, and the like, or other suitable recovery method known in the art.

Any suitable art-known method, including RT-PCR or PCR, can be used to obtain the selected shufflant sequence(s) for subsequent manipulation and shuffling.

#### Backcrossing

After a desired PEPC phenotype is acquired to a satisfactory extent by a selected shuffled gene or portion thereof, it is often desirable to remove mutations which are not essential or substantially important to retention of the desired phenotype ("superfluous mutations"). This is particularly desirable when the shuffled gene sequence is to be reintroduced back into a higher plant, as it is often preferred to harmonize the shufflant PEPC sequence with the endogenous PEPC sequence in the higher plant taxonomic species genome while retaining the desired PEPC phenotype obtained from the iterative shuffling/selection process. Superfluous mutations can be removed by backcrossing, which is shuffling the selected shuffled PEPC gene(s) with one or more parental PEPC gene and/or naturally-occurring PEPC gene(s) (or portions thereof) and selecting the resultant collection of shufflants for those species that retain the desired phenotype. By employing this method, typically in two or more recursive cycles of shuffling against parental or naturally-occurring PEPC genome(s) (or portions thereof) and selection for retention of the desired PEPC phenotype, it is possible to generate and isolate selected shufflants which incorporate substantially only those mutations necessary to confer the desired phenotype, whilst having the remainder of the genome (or portion thereof) consist of sequence which is substantially identical to the parental (or wild-type) sequence(s). As one example of backcrossing, a maize PEPC gene can be shuffled and selected for the capacity to substantially function in any Angiosperm plant cells; the resultant selected shufflants can be backcrossed with one or more PEPC genes of a particular plant species and

5 selected for the capacity to retain the capacity to confer the phenotype. After several  
cycles of such backcrossing, the backcrossing will yield gene(s) which contain the  
10 mutations necessary for the desired phenotype, and will otherwise have a genomic  
sequence substantially identical to the genome(s) of the host genome.

5 Isolated components (e.g., genes, regulatory sequences, replication  
origins, and the like) can be optimized and then backcrossed with parental sequences  
15 so as to obtain optimized components which are substantially free of superfluous  
mutations.

#### Transgenic Hosts

10 Transgenes and expression vectors to express shufflant PEPC  
sequences can be constructed by any suitable method known in the art; by either PCR  
20 or RT-PCR amplification from a suitable cell type or by ligating or amplifying a set  
of overlapping synthetic oligonucleotides; publicly available sequence databases and  
the literature can be used to select the polynucleotide sequence(s) to encode the  
25 specific protein desired, including any mutations, consensus sequence, or mutation  
kernel desired by the practitioner. The coding sequence(s) are operably linked to a  
transcriptional regulatory sequence and, if desired, an origin of replication. Antisense  
30 or sense-suppression transgenes and genetic sequences can be optimized or adapted  
for particular host cells and organisms by the described methods.

20 The transgene(s) and/or expression vectors are transferred into host  
cells, protoplasts, pluripotent embryonic plant cells, microbes, or fungi by a suitable  
35 method, such as for example lipofection, electroporation, microinjection, biolistics,  
*Agrobacterium tumefaciens* transduction of Ti plasmid, calcium phosphate  
precipitation, PEG-mediated DNA uptake, electroporation, electrofusion, or other  
40 25 method. Stable transfectant host cells can be prepared by art-known methods, as can  
transgenic cell lines.

#### Target Plants

45 As used herein, "plant" refers to either a whole plant, a plant part, a  
plant cell, or a group of plant cells. The class of plants which can be used in the  
30 method of the invention is generally as broad as the class of higher plants amenable to  
protoplast transformation techniques, including both monocotyledonous and

dicotyledonous plants. It includes plants of a variety of ploidy levels, including polyploid, diploid and haploid, and may employ non-regenerable cells for certain aspects which do not require development of an adult plant for selection or in vivo shuffling.

As noted, preferred plants for the transformation and expression of PEPC include agronomically and horticulturally important species. Such species include, but are not restricted to members of the families: *Graminae* (including corn, rye, triticale, barley, millet, rice, wheat, oats, etc.); *Leguminosae* (including pea, beans, lentil, peanut, yam bean, cowpeas, velvet beans, soybean, clover, alfalfa, lupine, vetch, lotus, sweet clover, wisteria, and sweetpea); *Compositae* (the largest family of vascular plants, including at least 1,000 genera, including important commercial crops such as sunflower) and *Rosaciae* (including raspberry, apricot, almond, peach, rose, etc.), as well as nut plants (including, walnut, pecan, hazelnut, etc.).

Targets for the invention also include plants from the genera: *Agrostis*, *Allium*, *Antirrhinum*, *Apium*, *Arachis*, *Asparagus*, *Atropa*, *Avena* (e.g., oats), *Bambusa*, *Brassica*, *Bromus*, *Browaalia*, *Camellia*, *Cannabis*, *Capsicum*, *Cicer*, *Chenopodium*, *Chichorium*, *Citrus*, *Coffea*, *Coix*, *Cucumis*, *Curcubita*, *Cynodon*, *Dactylis*, *Datura*, *Daucus*, *Digitalis*, *Dioscorea*, *Elaeis*, *Eleusine*, *Festuca*, *Fragaria*, *Geranium*, *Glycine*, *Helianthus*, *Heterocallis*, *Hevea*, *Hordeum* (e.g., barley), *Hyoscyamus*, *Ipomoea*, *Lactuca*, *Lens*, *Lilium*, *Linum*, *Lolium*, *Lotus*, *Lycopersicon*, *Majorana*, *Malus*, *Mangifera*, *Manihot*, *Medicago*, *Nemesia*, *Nicotiana*, *Onobrychis*, *Oryza* (e.g., rice), *Panicum*, *Pelargonium*, *Pennisetum* (e.g., millet), *Petunia*, *Pisum*, *Phaseolus*, *Phleum*, *Poa*, *Prunus*, *Ranunculus*, *Raphanus*, *Ribes*, *Ricinus*, *Rubus*, *Saccharum*, *Salpiglossis*, *Secale* (e.g., rye), *Senecio*, *Setaria*, *Sinapis*, *Solanum*, *Sorghum*, *Stenotaphrum*, *Theobroma*, *Trifolium*, *Trigonella*, *Triticum* (e.g., wheat), *Vicia*, *Vigna*, *Vitis*, *Zea* (e.g., corn), and the *Olyreae*, the *Pharoideae* and many others.

Common crop plants which are targets of the present invention include corn, rice, triticale, rye, cotton, soybean, sorghum, wheat, oats, barley, millet, sunflower, canola, peas, beans, lentils, peanuts, yam beans, cowpeas, velvet beans,

5 clover, alfalfa, lupine, vetch, lotus, sweet clover, wisteria, sweetpea and nut plants  
(e.g., walnut, pecan, etc).

10 Regeneration

5 Normally, regeneration will be involved in obtaining a whole plant  
from the transformation process. The term "transgenote" refers to the immediate  
product of the transformation process and to resultant whole transgenic plants.

15 The term "regeneration" as used herein, means growing a whole plant  
from a plant cell, a group of plant cells, a plant part or a plant piece (e.g. from a  
protoplast, callus, or tissue part).

20 10 Plant regeneration from cultural protoplasts is described in Evans et  
al., "Protoplasts Isolation and Culture," Handbook of Plant Cell Cultures 1:124-176  
(MacMillan Publishing Co. New York 1983); M.R. Davey, "Recent Developments in  
the Culture and Regeneration of Plant Protoplasts," Protoplasts, (1983) - Lecture  
25 Proceedings, pp.12-29, (Birkhauser, Basel 1983); P.J. Dale, "Protoplast Culture and  
Plant Regeneration of Cereals and Other Recalcitrant Crops," Protoplasts (1983) -  
15 Lecture Proceedings, pp. 31-41, (Birkhauser, Basel 1983); and H. Binding,  
"Regeneration of Plants," Plant Protoplasts, pp.21-73, (CRC Press, Boca Raton 1985).

30 Additional details regarding plant regeneration are found in Jones (ed)  
(1995) Plant Gene Transfer and Expression Protocols-- Methods in Molecular  
20 Biology, Volume 49 Humana Press Towata NJ; Payne et al. (1992) Plant Cell and  
Tissue Culture in Liquid Systems John Wiley & Sons, Inc. New York, NY (Payne);  
35 Gamborg and Phillips (eds) (1995) Plant Cell, Tissue and Organ Culture;  
Fundamental Methods Springer Lab Manual, Springer-Verlag (Berlin Heidelberg  
New York) (Gamborg) and in Croy, (ed.) (1993) Plant Molecular Biology.

40 25 Regeneration from protoplasts varies from species to species of plants,  
but generally a suspension of transformed protoplasts containing copies of the  
exogenous sequence is first made. In certain species, embryo formation can then be  
45 induced from the protoplast suspension, to the stage of ripening and germination as  
natural embryos. The culture media will generally contain various amino acids and  
30 hormones, such as auxin and cytokinins. It is sometimes advantageous to add  
glutamic acid and proline to the medium, especially for such species as corn and  
50

5 alfalfa. Shoots and roots normally develop simultaneously. Efficient regeneration  
will depend on the medium, on the genotype, and on the history of the culture. If  
10 these three variables are controlled, then regeneration is fully reproducible and  
repcatable.

5                   Regeneration also occurs from plant callus, explants, organs or parts.  
Transformation can be performed in the context of organ or plant part regeneration.  
15 See, Methods in Enzymology, *supra*; also Methods in Enzymology, Vol. 118; and  
Klee et al., (1987) Annual Review of Plant Physiology, 38:467-486.

10                   In vegetatively propagated crops, the mature transgenic plants are  
propagated by the taking of cuttings or by tissue culture techniques to produce  
20 multiple identical plants for trialling, such as testing for production characteristics.  
Selection of desirable transgenotes is made and new varieties are obtained thereby,  
and propagated vegetatively for commercial sale.

25                   In seed propagated crops, the mature transgenic plants are self crossed  
15 to produce a homozygous inbred plant. The inbred plant produces seed containing  
the gene for the newly introduced foreign gene activity level. These seeds can be  
grown to produce plants that would produce the selected phenotype.

30                   The inbreds according to this invention can be used to develop new  
hybrids. In this method a selected inbred line is crossed with another inbred line to  
20 produce the hybrid. The offspring resulting from the first experimental crossing of  
two parents is known in the art as the F1 hybrid, or first filial generation. Of the two  
35 parents crossed to produce F1 progeny according to the present invention, one or both  
parents can be transgenic plants.

40                   Parts obtained from the regenerated plant, such as flowers, seeds,  
25 leaves, branches, fruit, and the like are covered by the invention, provided that these  
parts comprise cells which have been so transformed. Progeny and variants, and  
mutants of the regenerated plants are also included within the scope of this invention,  
45 provided that these parts comprise the introduced DNA sequencs. Progeny and  
variants, and mutants of the regenerated plants are also included within the scope of  
30 this invention.



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The following example is given to illustrate the invention, but are not to be limiting thereof.

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#### EXPERIMENTAL EXAMPLE

##### EXAMPLE 1: Shuffling PEP Carboxylase

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PEPC catalyzes the initial carbon fixation reaction in C4 plants such as maize and Sorghum, as well as Crassulacean acid metabolism (CAM) plants. There are other forms of PEPC involved in intermediary metabolism in all plants and microbes. PEPC involved in carbon fixation in C4 and CAM plants have been studied extensively with respect to its catalytic properties and regulation (Andreo CS et al. (1987) FEBS Letters 213: 1; Chollet R (1996) Annu. Rev. Plant Physiol. Plant Mol. Biol. 47: 273).

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cDNA coding for PEPC from various C4 and CAM plants are isolated using primers designed from published sequence in the gene bank (Devi M et al. (1992) op.cit.; Chollet R (1996) op.cit. and references therein). Complete coding sequence for PEPC can also be synthesized.

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The PEPC genes from various related sources, which have high degree of homology at the nucleotide level are shuffled according to published procedures. Briefly, this procedure involves random fragmentation of the genes with DNase I and selecting nucleotide fragments of 100-300 bp. The fragments are reassembled based on sequence similarity by primerless PCR. Recombination as well as variable levels of mutations that are introduced by the PCR reaction generate the diversity. The assembled genes can be cloned into *E. coli* or an *E. coli* mutant lacking PEPC. PEPC from C4 plants have been cloned and expressed in both prokaryotes and eukaryotes (Cretin et al. (1991) Gene 92: 87-94, Hudspeth RL and Grula JW (1989) Plant Mol. Biol. 12: 579). Transformed colonies expressing a functional PEPC are screened by *in vitro* enzyme assay. Initial screening for expression of PEPC is also done using antibodies.

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Colonies expressing shuffled PEPC genes can be selected and grown in larger amounts in liquid culture and assayed for specific properties. The assay procedure for PEPC involves coupling the activity with malic dehydrogenase and determining NADH disappearance spectrophotometrically at 340 nm (Gonzalez et al.

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5 (1984) J. Plant Physiology 116: 425). The following properties are monitored in the  
shuffled PEPC by appropriate enzyme assays: (a) Activity at a broad pH range of  
10 6-8.5 (b) desensitized to activation by various phosphorylated metabolites including  
glucose-6-phosphate (c) desensitized to feedback inhibitors malate and aspartate (d)  
5 other catalytic parameters such as  $K_m$  for  $CO_2$ , phosphoenolpyruvate and  $V_{max}$ .

PEPC shufflant genes from those clones expressing one or more of the  
15 desired properties mentioned above are iteratively shuffled in order to achieve  
optimization of each one of the properties mentioned above. The optimized PEPC  
gene, after appropriate modification for expression in plants, is used to transform the  
20 desired C4 crop in order to deregulate and increase carbon fixation.

#### Integrated Systems

The present invention provides computers, computer readable media  
and integrated systems comprising character strings corresponding to shuffled PEPC  
25 enzymes and corresponding enzyme-encoding nucleic acids. These sequences can be  
manipulated by in silico shuffling methods, or by standard sequence alignment or  
15 word processing software.

For example, different types of similarity and considerations of various  
30 stringency and character string length can be detected and recognized in the  
integrated systems herein. For example, many homology determination methods have  
20 been designed for comparative analysis of sequences of biopolymers, for spell-  
checking in word processing, and for data retrieval from various databases. With an  
35 understanding of double-helix pair-wise complement interactions among 4 principal  
nucleobases in natural polynucleotides, models that simulate annealing of  
complementary homologous polynucleotide strings can also be used as a foundation  
40 of sequence alignment or other operations typically performed on the character  
strings corresponding to the sequences herein (e.g., word-processing manipulations,  
construction of figures comprising sequence or subsequence character strings, output  
45 tables, etc.). An example of a software package with algorithms for calculating  
sequence similarity is BLAST, which can be adapted to the present invention by  
30 inputting character strings corresponding to the sequences herein.

BLAST is described in Altschul *et al.*, *J. Mol. Biol.* 215:403-410 (1990). Software for performing BLAST analyses is publicly available through the National Center for Biotechnology Information (<http://www.ncbi.nlm.nih.gov/>). This algorithm involves first identifying high scoring sequence pairs (HSPs) by identifying short words of length W in the query sequence, which either match or satisfy some positive-valued threshold score T when aligned with a word of the same length in a database sequence. T is referred to as the neighborhood word score threshold (Altschul *et al.*, *supra*). These initial neighborhood word hits act as seeds for initiating searches to find longer HSPs containing them. The word hits are then extended in both directions along each sequence for as far as the cumulative alignment score can be increased. Cumulative scores are calculated using, for nucleotide sequences, the parameters M (reward score for a pair of matching residues; always > 0) and N (penalty score for mismatching residues; always < 0). For amino acid sequences, a scoring matrix is used to calculate the cumulative score. Extension of the word hits in each direction are halted when: the cumulative alignment score falls off by the quantity X from its maximum achieved value; the cumulative score goes to zero or below, due to the accumulation of one or more negative-scoring residuc alignments; or the end of either sequence is reached. The BLAST algorithm parameters W, T, and X determine the sensitivity and speed of the alignment. The BLASTN program (for nucleotide sequences) uses as defaults a wordlength (W) of 11, an expectation (E) of 10, a cutoff of 100, M=5, N=-4, and a comparison of both strands. For amino acid sequences, the BLASTP program uses as defaults a wordlength (W) of 3, an expectation (E) of 10, and the BLOSUM62 scoring matrix (see Henikoff & Henikoff (1989) *Proc. Natl. Acad. Sci. USA* 89:10915).

An additional example of a useful sequence alignment algorithm is PILEUP. PILEUP creates a multiple sequence alignment from a group of related sequences using progressive, pairwise alignments. It can also plot a tree showing the clustering relationships used to create the alignment. PILEUP uses a simplification of the progressive alignment method of Feng & Doolittle, *J. Mol. Evol.* 35:351-360 (1987). The method used is similar to the method described by Higgins & Sharp, *CABIOS* 5:151-153 (1989). The program can align, e.g., up to 300 sequences of a

5 maximum length of 5,000 letters. The multiple alignment procedure begins with the  
pairwise alignment of the two most similar sequences, producing a cluster of two  
10 aligned sequences. This cluster can then be aligned to the next most related sequence  
or cluster of aligned sequences. Two clusters of sequences can be aligned by a simple  
5 extension of the pairwise alignment of two individual sequences. The final alignment  
is achieved by a series of progressive, pairwise alignments. The program can also be  
15 used to plot a dendrogram or tree representation of clustering relationships. The  
program is run by designating specific sequences and their amino acid or nucleotide  
coordinates for regions of sequence comparison.

20 The shuffled enzymes of the invention, or corresponding coding  
nucleic acids, are optimally sequenced and the sequences aligned to provide structure-  
function information. For example, the alignment of shuffled sequences which are  
selected for conversion activity against the same target provides an indication of  
25 which residues are relevant for conversion of the target (i.e., conserved residues are  
likely more important for activity than non-conserved residues).

Standard desktop applications such as word processing software (e.g.,  
30 Microsoft Word™ or Corel WordPerfect™) and database software (e.g., spreadsheet  
software such as Microsoft Excel™, Corel Quattro Pro™, or database programs such  
as Microsoft Access™ or Paradox™) can be adapted to the present invention by  
20 inputting character strings corresponding to shuffled PEPC enzymes (or  
corresponding coding nucleic acids), e.g., shuffled by the methods herein. For  
35 example, the integrated systems can include the foregoing software having the  
appropriate character string information, e.g., used in conjunction with a user  
interface (e.g., a GUI in a standard operating system such as a Windows, Macintosh  
40 or LINUX system) to manipulate strings of characters. As noted, specialized  
alignment programs such as BLAST or PILEUP can also be incorporated into the  
25 systems of the invention for alignment of nucleic acids or proteins (or corresponding  
character strings).

Integrated systems for analysis in the present invention typically  
30 include a digital computer with software for aligning or manipulating sequences, as  
well as data sets entered into the software system comprising any of the sequences

5                   herein. The computer can be, *e.g.*, a PC (Intel x86 or Pentium chip- compatible  
DOS™, OS2™ WINDOWS™ WINDOWS NT™, WINDOWS95™,  
10                   WINDOWS98™ LINUX based machine, a MACINTOSH™, Power PC, or a UNIX  
5                   based (*e.g.*, SUN™ work station) machine) or other commercially common computer  
which is known to one of skill. Software for aligning or otherwise manipulating  
sequences is available, or can easily be constructed by one of skill using a standard  
15                   programming language such as Visual basic, Fortran, Basic, Java, or the like.

                  Any controller or computer optionally includes a monitor which is  
often a cathode ray tube ("CRT") display, a flat panel display (*e.g.*, active matrix  
10                   liquid crystal display, liquid crystal display), or others. Computer circuitry is often  
20                   placed in a box which includes numerous integrated circuit chips, such as a  
microprocessor, memory, interface circuits, and others. The box also optionally  
includes a hard disk drive, a floppy disk drive, a high capacity removable drive such  
25                   as a writeable CD-ROM, and other common peripheral elements. Inputting devices  
15                   such as a keyboard or mouse optionally provide for input from a user and for user  
selection of sequences to be compared or otherwise manipulated in the relevant  
computer system.

                  The computer typically includes appropriate software for receiving  
user instructions, either in the form of user input into a set parameter fields, *e.g.*, in a  
20                   GUI, or in the form of preprogrammed instructions, *e.g.*, preprogrammed for a variety  
of different specific operations. The software then converts these instructions to  
35                   appropriate language for instructing the system to carry out any desired operation.

                  In one aspect, the computer system is used to perform "in silico"  
shuffling of character strings. A variety of such methods are set forth in "METHODS  
40                   25                   FOR MAKING CHARACTER STRINGS, POLYNUCLEOTIDES &  
POLYPEPTIDES HAVING DESIRED CHARACTERISTICS" by Selifonov and  
Stemmer, filed February 5, 1999 (USSN 60/118854) and "METHODS FOR  
45                   MAKING CHARACTER STRINGS, POLYNUCLEOTIDES & POLYPEPTIDES  
HAVING DESIRED CHARACTERISTICS" by Selifonov and Stemmer, filed  
30                   October 12, 1999 (USSN 09/416,375). In brief, in the context of the present  
invention, genetic operators are used in genetic algorithms as described in the '375

5 application to change given ADPGPP sequences, e.g., by mimicking genetic events  
such as mutation, recombination, death and the like. Multi-dimensional analysis to  
10 optimize sequences can be also be performed in the computer system, e.g., as  
described in the '375 application.

5 A digital system can also instruct an oligonucleotide synthesizer to  
synthesize oligonucleotides, e.g., used for gene reconstruction or recombination, or to  
15 order oligonucleotides from commercial sources (e.g., by printing appropriate order  
forms or by linking to an order form on the internet).

10 The digital system can also include output elements for controlling  
nucleic acid synthesis (e.g., based upon a sequence or an alignment of a shuffled  
enzyme as herein), i.e., an integrated system of the invention optionally includes an  
oligonucleotide synthesizer or an oligonucleotide synthesis controller. The system  
25 can include other operations which occur downstream from an alignment or other  
operation performed using a character string corresponding to a sequence herein, e.g.,  
15 as noted above with reference to assays.

#### Combination Shuffling

30 One aspect of the present invention is the combinatorial shuffling of  
PEPC with other enzymes that affect carbon fixation. For example, one aspect of the  
present invention involves separately or simultaneously shuffling PEPC in  
20 combination with carbon fixation enzymes such as ribulose 1,5-bisphosphate  
carboxylase/oxygenase ("Rubisco"; EC 4.1.1.39), or with any Calvin cycle enzyme or  
35 Krebs cycle enzyme. Considerable detail regarding Rubisco and Calvin and Krebs  
cycle enzymes and shuffling of such enzymes to improve carbon fixation is found in  
commonly assigned U.S. Patent Application U.S.S.N. 60/107,756 and 60/153,093  
40 25 entitled "MODIFIED RIBULOSE BISPHOSPHATE CARBOXYLASE/  
OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT  
PHENOTYPES," filed on 10 November 1998 and September 9, 1999, respectively  
45 and in "MODIFIED RIBULOSE BISPHOSPHATE CARBOXYLASE/  
OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT  
30 PHENOTYPES," by Stemmer et al., co-filed November 9, 1999 (Attorney Docket  
number 02-292-2US/PC). Shuffled PEPC genes and shuffled Rubisco genes are  
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5 optionally co-expressed in a cell or organism such as a plant to increase carbon fixation.

10 Similarly, shuffled Rubisco and shuffled ADP-glucose pyrophosphorylase ("ADPGPP"; EC 2.7.7.27; an enzyme involved in starch biosynthesis, e.g., in plants) can be expressed together in cells or plants to increase  
5 carbon fixation or to improve starch biosynthesis. Extensive details regarding ADP-glucose pyrophosphorylase gene shuffling are found in commonly assigned U.S. Patent Application U.S.S.N. 60/107,782, entitled "MODIFIED ADP-GLUCOSE PYROPHOSPHORYLASE FOR IMPROVEMENT AND OPTIMIZATION OF  
15 PLANT PHENOTYPES" filed on 10 November 1998 (Attorney docket number 018097-029000US) and co-filed application "MODIFIED ADP-GLUCOSE PYROPHOSPHORYLASE FOR IMPROVEMENT AND OPTIMIZATION OF  
20 PLANT PHENOTYPES" filed on 10 November 1999 (Attorney docket number 02-0290-1US). Of course, shuffled Rubisco, ADPGPP, and PEPC can all be expressed  
25 in a cell or organism such as a plant to increase carbon fixation, starch production, or the like.

30 In a further aspect, the present invention provides for the use of any apparatus, apparatus component, composition or kit herein, for the practice of any  
20 method or assay herein, and/or for the use of any apparatus or kit to practice any assay or method herein.

35 The foregoing description of the preferred embodiments of the present invention has been presented for purposes of illustration and description. They are not intended to be exhaustive or to limit the invention to the precise form disclosed,  
40 25 and many modifications and variations are possible in light of the above teaching.

Such modifications and variations which may be apparent to a person skilled in the art are intended to be within the scope of this invention.

45 *All publications and patent applications herein are incorporated by reference to the same extent as if each individual publication or patent application*  
30 *was specifically and individually indicated to be incorporated by reference.*

## Claims

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WHAT IS CLAIMED IS:

1. A method for obtaining an isolated polynucleotide encoding an enhanced PEPC protein having PEPC catalytic activity wherein the PEPC enzymatic phenotype is significantly different than a protein encoded by a parental polynucleotide encoding a naturally-occurring PEPC enzyme, the method comprising:
  - recombining sequences of a plurality of parental polynucleotide species encoding at least one PEPC sequence under conditions suitable for sequence shuffling to form a resultant library of sequence-shuffled PEPC polynucleotides;
  - transferring said library into a plurality of host cells forming a library of transformants wherein sequence-shuffled PEPC polynucleotides are expressed;
  - assaying individual or pooled transformants for PEPC catalytic activity to determine the relative or absolute PEPC enzymatic phenotype and isolating a transformant having a PEPC enzymatic phenotype significantly different than parental PEPC, thereby identifying at least one enhanced transformant that expresses a PEPC enzyme activity which has a significantly altered compared to the PEPC activity encoded by the parental sequence(s);
  - recovering the sequence-shuffled PEPC polynucleotide from at least one enhanced transformant.
2. The method of claim 1, further comprising the step of subjecting a recovered sequence-shuffled PEPC polynucleotide encoding an enhanced PEPC to at least one subsequent round of recursive shuffling and selection, wherein said recovered sequence-shuffled PEPC polynucleotide is used as at least one parental sequence for subsequent shuffling.
3. The method of claim 1, wherein selection comprises assaying individual or pooled transformants for PEPC catalytic activity to determine the relative or absolute  $K_m$  for substrate and identifying at least one enhanced transformant that expresses a PEPC activity which has a significantly lower  $K_m$  for substrate than the PEPC activity encoded by the parental sequence(s).

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4. The method of claim 1, wherein selection comprises assaying individual or pooled transformants for PEPC catalytic activity to determine the relative or absolute  $K_m$  for inhibitor thereby identifying at least one enhanced transformant that expresses an PEPC activity which has a significantly higher  $K_m$  for inhibitor than the PEPC activity encoded by the parental sequence(s).

5. The method of claim 1, wherein selection comprises assaying individual or pooled transformants for PEPC catalytic activity to determine the relative or absolute  $K_m$  for activator thereby identifying at least one enhanced transformant that expresses an PEPC activity which has a significantly lower  $K_m$  for activator than the PEPC activity encoded by the parental sequence(s).

6. The method of claim 1, wherein selection comprises assaying samples of individual transformants and their clonal progeny which are isolated into discrete reaction vessels for PEPC activity assay, or are assayed in situ.

7. The method of claim 1, wherein the host cell comprises a non-photosynthetic bacterium lacking an endogenous plant PEPC activity and is transformed with an expression cassette encoding a shufflant plant PEPC protein.

8. The method of claim 7, wherein the host cells harbor expression cassettes encoding a heterologous Rubisco or a heterologous PEPC.

9. The method of claim 1, wherein the plurality of host cells are plant cells.

10. The method of claim 1, wherein the plurality of host cells are plant cells, wherein the method further comprises regenerating transgenic plants from the host cells.

11. A plant cell protoplast and clonal progeny thereof containing a

5 sequence-shuffled polynucleotide encoding a PEPC which is not encoded by the naturally occurring genome of the plant cell protoplast.

10 12. A collection of plant cell protoplasts transformed with a library of  
5 sequence-shuffled PEPC polynucleotides in expressible form.

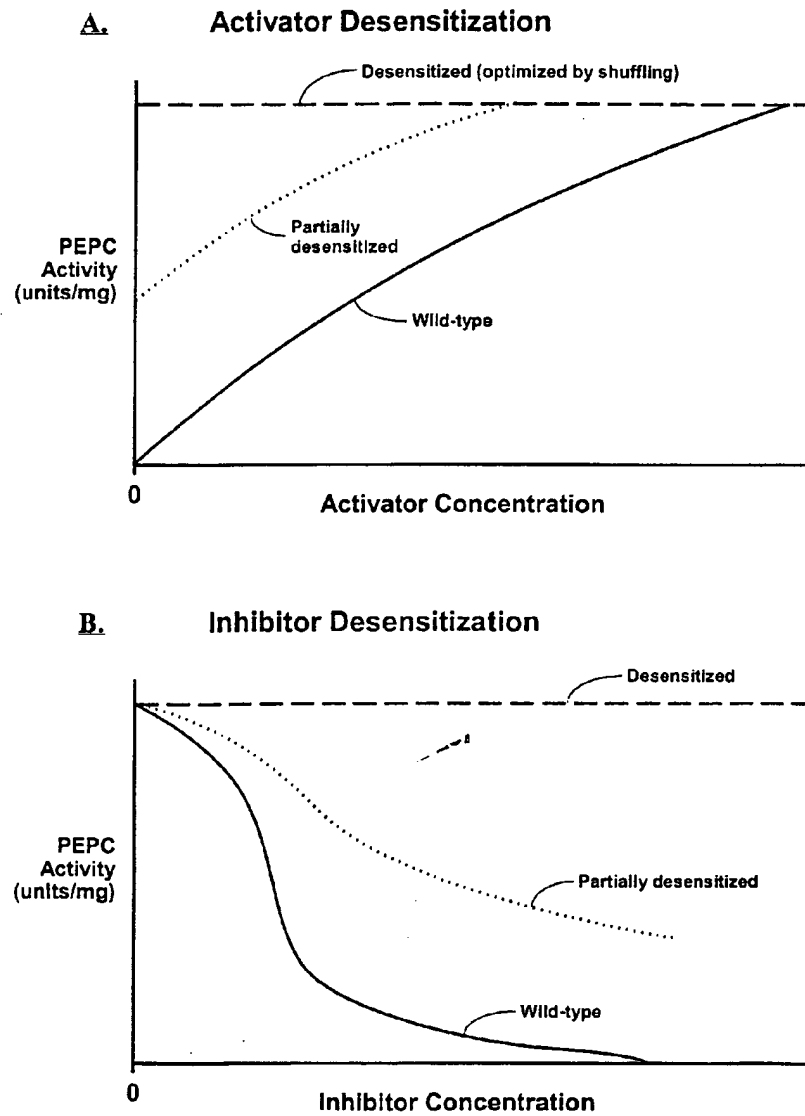
15 13. A regenerated plant containing at least one species of replicable or integrated polynucleotide comprising a sequence-shuffled portion and encoding an PEPC polypeptide.

20 14. A regenerated plant containing a polynucleotide expression cassette encoding a shuffled PEPC gene.

25 15. A regenerated plant of claim 13, further comprising a polynucleotide  
15 expression cassette encoding a shuffled bacterial or algal PEPC gene.

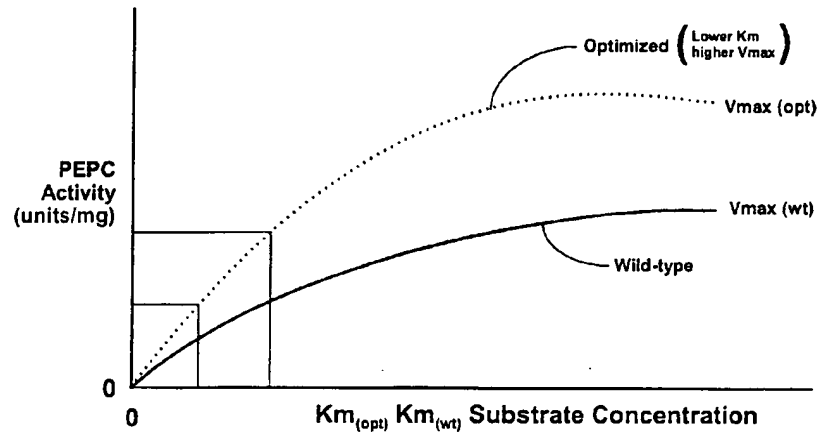
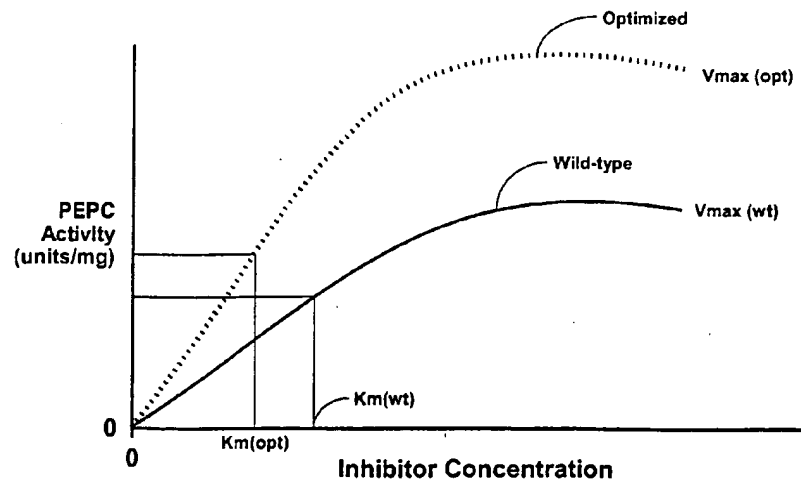
30 16. A polynucleotide encoding an enhanced PEPC protein having PEPC catalytic activity wherein: (1) the  $K_m$  for substrate is significantly lower than a protein encoded by a parental polynucleotide encoding a naturally-  
20 occurring PEPC enzyme, (2) the  $K_m$  for inhibitor is significantly higher than a protein encoded by a parental polynucleotide encoding a naturally-occurring PEPC enzyme,  
35 and/or (3) the  $K_m$  for activator is significantly lower than a protein encoded by a parental polynucleotide encoding a naturally-occurring PEPC enzyme.

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**Figure 1**

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**A. Substrate Optimization****B.****Figure 2**

SUBSTITUTE SHEET (RULE 26)

## INTERNATIONAL SEARCH REPORT

 Internat. Application No  
 PCT/US 99/26771

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| A. CLASSIFICATION OF SUBJECT MATTER  |  |  |
| IPC 7  | C12N15/10<br>C12N15/60   | C12Q1/527 C12Q1/68 C12N5/10 A01H5/00               |
| According to International Patent Classification (IPC) or to both national classification and IPC  |  |  |
| B. FIELDS SEARCHED   |  |  |
| Minimum documentation searched (classification system followed by classification symbols)  |  |  |
| IPC 7 C12N   |  |  |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  |  |  |
| Electronic data base consulted during the international search (name of data base and, where practical, search terms used)   |  |  |
| C. DOCUMENTS CONSIDERED TO BE RELEVANT   |  |  |
| Category *   | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No.                              |
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| <input checked="" type="checkbox"/> Further documents are listed in the continuation of box C.   |  |  |
| <input checked="" type="checkbox"/> Patent family members are listed in annex.   |  |  |
| * Special categories of cited documents :<br>"A" document defining the general state of the art which is not considered to be of particular relevance<br>"E" earlier document but published on or after the international filing date<br>"L" document which may throw doubt on priority claim(s) or which is cited to establish the publication date of another document or other special reason (as specified)<br>"O" document referring to an oral disclosure, use, exhibition or other means<br>"P" document published prior to the international filing date but later than the priority date claimed<br>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention<br>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone<br>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.<br>"Z" document member of the same patent family |  |  |
| Date of the actual completion of the international search  |  | Date of mailing of the international search report |
| 21 March 2000  |  | 05/04/2000   |
| Name and mailing address of the ISA<br>European Patent Office, P.B. 5618 Patentstein 2<br>NL - 2200 HV Rijswijk<br>Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,<br>Fax: (+31-70) 340-3018  |  | Authorized officer<br><br>Bilang, J                |

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Interest... Application No  
PCT/US 99/26771

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT |   |                       |
|--|---|-----------------------|
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| Y  | STEMMER W: "DNA shuffling by random fragmentation and reassembly: In vitro recombination for molecular evolution" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, US NATIONAL ACADEMY OF SCIENCE, WASHINGTON, vol. 91, 1 October 1994 (1994-10-01), pages 10747-10751, XP002087463<br>ISSN: 0027-8424<br>the whole document<br>figure 5                 | 1-15                  |
| Y  | CHOLLET R, ET AL.: "PHOSPHOENOLPYRUVATE CARBOXYLASE: A UBIQUITOUS, HIGHLY REGULATED ENZYME IN PLANTS" ANNUAL REVIEW OF PLANT PHYSIOLOGY AND PLANT MOLECULAR BIOLOGY, vol. 47, 1996, pages 273-298, XP000882055<br>cited in the application<br>the whole document  | 1-15                  |
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| Patent document<br>cited in search report | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|---------------------|----------------------------|---------------------|
| WO 9841622 A                              | 24-09-1998          | AU 6611498 A               | 12-10-1998          |